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GUIDELINES FOR ASSESSING AND ADDRESSING RISKS RELATED TO THE FIREARMS MISUSE IN DOMESTIC VIOLENCE

1 High-risk intervention
indicators

2 Receiving a domestic
violence report

3 Assessing risks

4 Intervention

5 Incident aftermath

GENDER AND SALW CONTROL: KNOW HOW SERIES

The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) is a joint initiative of the United Nations Development Programme (UNDP) and the Regional Cooperation Council (RCC) aimed at strengthening national and regional capacities to control and reduce the proliferation and misuse of small arms and light weapons, thus contributing to enhanced stability, security, and development in South Eastern and Eastern Europe.

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DOMESTIC
VIOLENCE

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1. Introduction

1.1 The Guidelines development process

Under the regional project *Support for Enhancing the Fight Against the Illegal Possession, Misuse, and Trafficking of Small Arms and Light Weapons (SALW) in the Western Balkans* funded by the *European Commission, Directorate-General for Neighbourhood and Enlargement Negotiations, through the Instrument for Pre-accession Assistance (IPA II)*, SEESAC is providing support to the Western Balkans authorities to mainstream the gender perspective in the SALW control measures. Within this context, a comprehensive set of activities is being implemented to enhance the institutional response to the firearms misuse in domestic violence.

In order to strengthen institutional capacities for preventing the misuse of firearms presence in domestic violence, SEESAC initiated the development of Guidelines for police officers for the assessment and response to risks related to the presence of firearms in the domestic violence context. In order to develop the Guidelines, but also to carry out a regional analysis on firearms and domestic violence, in 2022, SEESAC, in cooperation with the Ministries of Internal Affairs and Police Directorates in the Western Balkans, initiated the establishment of a Regional Working Group for the Prevention of the Firearms Misuse in Domestic Violence.

The first Working Group meeting was organised in Podgorica from 23 to 24 November 2022. It gathered representatives of departments in charge of domestic violence and the analytics departments from five Western Balkan jurisdictions: Podgorica, Pristina, Sarajevo, Skopje and Tirana,¹ who reviewed the methodology for the regional analysis of firearms and domestic violence, discussed the main challenges in the prevention of firearms misuse in domestic violence, and initiated the development of the Guidelines to assess and address the risk of firearms being misused in domestic violence.

¹ Since similar guidelines have already been developed by the Belgrade authorities with the support of UNDP Serbia through the *Reduce Risk-Increase Safety - Towards Ending SALW Misuse in Domestic Violence Context* project, the Belgrade representatives did not participate in the Working Group activities but lessons learned and good practices developed within this project were shared with it and are integrated in these Guidelines.

In order to broaden the Guidelines evidence base, fifteen (15) focus groups were organised to obtain inputs for its development and to discuss how to properly address the risks related to the firearms presence in the domestic violence context. The focus groups were held in Sarajevo from 21 to 23 March, Tirana from 28 to 30 March, Podgorica from 4 to 6 April, Pristina from 12 to 14 April, and Skopje from 25 to 27 April. Three focus groups were held in each jurisdiction with representatives of women's organisations (17 organisations in total participated), police officers dealing with firearm licence approval (33), and officers responding to domestic violence (35). Following these discussions, 15 comprehensive reports were developed, which fed into the development of the Guidelines.

The second meeting took place in Durres from 23 to 25 May 2023, with members addressing the key findings of the focus group discussions and thoroughly discussing the main concerns and practical measures for the prevention of the firearms misuse in domestic violence.

Based on the Working Group inputs, good practices already established in the region, as well as focus group findings, SEESAC developed the draft Guidelines that set the structure and the content and outline the main steps to be taken to ensure that risks related to the firearms presence in the of domestic violence context are appropriately assessed and addressed.

In November and December 2023, SEESAC organised consultative meetings with Working Group members to present the draft Guidelines, with members putting forward proposals on how to improve the Guidelines, especially regarding their practical use. Consultations were also held with women's organisations in order to further review the measures proposed in the Guidelines with regard to the safety of women who have survived domestic violence.

In the development of Guidelines, a wide range of good practices in this field were used, including knowledge products developed within the project *Reduce Risk - Increase Safety - Towards Ending SALW Misuse in Domestic Violence Context* implemented by UNDP Serbia, as well as a desk review conducted to support its development.

1.2 Understanding firearms as risk factors in domestic violence context

Firearms misuse poses a serious threat to the safety and well-being of citizens in the Western Balkans, both women and men. It fuels domestic violence and crime and undermines stability, thus hindering overall development.

The differentiated impact of firearms misuse on women and men is evident and well-researched. Men account for 99% of perpetrators of firearms incidents. They also constitute the majority of firearm incidents' victims, at 81%, compared to 19% of women. More men died by suicides, particularly those involving the use firearms.

While men are more at risk in criminal contexts or public disputes and arguments, women are disproportionately affected by the firearms misuse in domestic violence.

The proper understanding of the domestic violence, its roots, dynamics, manifestations, and gender-based nature, as well as its disproportionate impact on women, is the key precondition for any effective prevention of the firearms misuse in the domestic violence context.

Domestic violence'

Domestic violence is pervasive and presents the most widespread form of violence. It includes acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. While domestic violence can happen to both women and men, it disproportionately affects women. **It differs from other types of violence because it is gender-based, i.e. directed against a woman because she is a woman, or it affects women disproportionately more.**

Gender-based violence is a criminal offence and a violation of human rights, the rights to life, freedom, security, dignity, non-discrimination and equality of women and men, as well as physical and spiritual integrity.

Violence against women implies a violation of human rights and a form of discrimination against women and represents all acts of gender-based violence that lead to, or can lead to, physical, sexual, psychological or economic injury or suffering for women,

including threatening to commit such acts, coercion or arbitrary deprivation of liberty, in public or private life.

The patterns and causes of 'women's and 'men's victimisation in the domestic context differ greatly. Within the domestic context, women run a higher risk of violence committed by intimate partners, current or former, while men are primarily at risk of other predominantly male family members. Violence against men is usually not gender-based, and it ensues from family disputes, property issues, transgenerational violence, etc.

The most extreme and ultimate form of violence against women is **femicide** (also known as feminicide), i.e. the **intentional gender-motivated killing of women** and girls. **Femicide implies the killing of a woman by a man motivated by hatred of women, contempt, pleasure, a sense of ownership and power over women.**

Domestic violence, and intimate partner violence committed by men in particular, is a behavioural pattern in any relationship that is used to gain or maintain power and control over the intimate partner. As such, **domestic violence is always an abuse of power and control by the perpetrator.** It is characterised by the pattern of actions and abusive behaviours that individuals use to intentionally control or dominate their intimate partner. Such actions include coercion and threats, emotional abuse, isolation, intimidation, the use of male privilege² and children to gain and maintain control over their partner.

Social and cultural attitudes, norms and expectations that underlie men's use of violence to maintain power and control over their partner or ex-partner are often used to justify it. Research has linked domestic violence to societal acceptance of male dominance, stereotyping of gender roles, and the normalisation of violence as a way to resolve conflict. **Gender stereotypes can encourage violence against women and gun ownership and use, whereas the prevalence of positive attitudes toward gun ownership in a community can hamper efforts to curb domestic violence involving firearms.**

Domestic violence incidents are rarely isolated and usually escalate in frequency and severity, potentially culminating in serious physical injury or death. Therefore, understanding the dynamics and stages of domestic violence is crucial for its prevention.

2 Male privilege is the system of advantages or rights that are available to men on the basis of their sex, and is grounded in the idea and practice of men's domination over women. With systemic subordination of women, men gain economic, political, social, educational, and practical advantages that are more or less unavailable to women. Domestic violence can perpetuate male privilege in today's society. It reinforces the position of power that men are viewed to have, leading women to continue to suffer its consequences. Male privilege is fostered through the ways in which women are objectified and seen to play the role of serving the needs of their male counterparts. Men can assume that they are entitled to exert control over women. This leads to a sense of authority that manifests as coercion, punishment, and control tactics (Source: [Domestic Violence and Male Privilege](#)).

Approaches to prevention and intervention should take into account the complex dynamics of violence against women and domestic violence as gender-based violence. Accordingly, they should provide support to victims at all stages, as well as focus on recognising and preventing the escalation of violence.

The scale of the problem

The OSCE-led survey¹¹ extensively documented the scale of the problem, including in the Western Balkans, and the prevalence of different forms of violence against women. 70% of women in the survey have experienced some form of violence since the age of 15, while 31% experienced it in the 12 months prior to the survey. Almost one in four women in the survey (23%) has experienced physical and/or sexual violence at the hands of her intimate partner, while 60% have experienced psychological violence committed by their intimate partner. Almost one in two women has experienced at least one form of sexual harassment, and 10% of women have experienced stalking at some point. This survey also documented the low level of reporting of violence against women. Only 7% of women contacted the police directly following a serious incident of violence committed by their current partner and 15% in cases of violence committed by their previous partner.

As documented by [SEESAC's analysis](#), family-related homicide is the most common form of femicide in the region. 61% of all the women killed in South East Europe (SEE) were killed by a family member, compared to 12.4% of all the killed men. Women are at particular risk of intimate partner violence, with 38.6% of all the women killed and 1.2% of all the men killed in SEE being killed by their intimate partner.

Firearms are often the weapon of choice to perpetrate domestic violence. As per research conducted in the region, 37.7% of homicides by family members were committed using firearms, while 43.5% of all women killed by intimate partners in South East Europe were killed with firearms.

Firearms are also used as a tool to inflict other forms of gender-based violence such as physical, psychological, and sexual violence including rape and sexual abuse, emotional harm, intimidation, coercion as well as economic violence. Although these forms of violence usually precede fatal events, data remain scarce.

SEESAC's recent analysis further documented the persistence of firearm-related domestic violence and its scale. From 2019 to 2021 in the South East Europe, more

people were killed with firearms in the context of domestic violence (101) than in any other type of incident, including those in the criminal context (93), public disputes (93), and undetermined shootings (87).

Homicides committed with firearms in South East Europe, by type of incident, sex and year:

Type of incident	2019		2020		2021	
	Men	Women	Men	Women	Men	Women
Domestic violence	11	18	17	24	9	22
Criminal context	28	4	28	0	30	3
Public disputes	33	1	26	0	33	0
Undetermined shootings	24	3	32	2	24	2

Sixty-four (77%) out of 83 of all women killed with firearms in SEE were killed in the domestic violence context, while the same holds true for 37 (10%) men out of 361 men killed with firearms. Within the domestic violence context, women were more at risk of firearm use by their current or former intimate partners. Thus, 47 (57%) of all women killed with firearms were murdered by their intimate partners. In the same period, two men were killed with firearms by their partners. In addition, 17 (20%) women and 35 (10%) men were killed with firearms by other family members, predominantly men.

85% of all incidents were committed using illegally owned firearms. Still, with regard to the fatal outcome incidents, limited data indicate that both firearms in legal and illegal possession are used.

Women's and men's perception of firearms is closely connected with differences in risk patterns they are exposed to. Women significantly more often than men see firearms as a risk or threat to their own safety and safety of their families, 39% and 61% respectively.

Recent mass shootings in the region, some of which have been committed with legally owned firearms, have had devastating and lasting effects on citizens, families and communities. Unsurprisingly, 78%^{III} of citizens in the Western Balkans surveyed in 2023 said they felt threatened by the possession and misuse of firearms in their environment, putting firearms issues at the top of the region's security concerns.

In addition, 72% of respondents in the Western Balkans^{IV} stated that domestic violence poses a serious security risk.

Firearms as risk factors

Within the domestic violence context, the presence and firearms misuse represent a significant risk seriously affecting the safety of victims, as well as that of intervening police officers and other persons involved, including perpetrators themselves.

There are several specific risks related to firearms that have to be taken into consideration:

- ▶ The possession of a firearm by a perpetrator and its accessibility to him/her in the domestic violence context exacerbates the perpetrator's exertion of control and power over victims, which is his ultimate goal. Firearms increase power imbalances between the victim and the perpetrator, perpetuate gender inequality, and reinforce social hierarchies that give men dominance over women.
- ▶ The possession of firearms by perpetrators constitutes not only a powerful means to exert control over victims but also increases the risk of inflicting serious injuries or committing homicide.
- ▶ The firearms misuse in domestic violence is more lethal than any other type of incident and almost four times more deadly than in criminal incidents. 37.4% of reported domestic violence incidents that involved firearms had a lethal outcome in comparison to 9.6% of reported incidents in criminal context.
- ▶ Domestic violence commonly occurs in homes and the firearms misuse in such confined spaces increases their lethality.
- ▶ Several other factors increase the likelihood of a fatal outcome in domestic violence when firearms^v are involved:
 - reduced likelihood of women reporting violence,
 - severity of gunshot wounds,
 - victim's reduced capacity for resistance,
 - reduced chances for a victim to escape or for outsiders to intervene and assist them.
- ▶ Due to the presence of firearms, violence is often not reported in the initial phase, but much later, which leads to even more serious consequences for the victims.
- ▶ If firearms are available, there are increased chances that a perpetrator will actually use firearms in domestic violence cases.

- ▶ Leaving a perpetrator can be particularly dangerous period for the victim of domestic violence, as violence can then escalate. If the perpetrator suspects or obtains information that their partner is planning to leave them, that can lead to escalation in violent behaviour, with an increased likelihood of resorting to firearms.
- ▶ The risk of violence does not stop with reporting violence. In that context, the highest risks for victims are associated with divorce, decisions on children's custody, and finding a new partner, among others. Recent research^{VI} on femicides committed with firearms conducted in the region showed that the period between the moment of leaving the perpetrator and the respective femicide varied from only a few days to two years.
- ▶ The very presence of firearms, even when not explicitly misused, is an effective tool for a perpetrator to exert control over a victim.
- ▶ While data related to the misuse of firearms are mostly available for femicides, injuries and assaults, firearms are most commonly used for threats and intimidation. Firearms are also used as a tool to inflict other forms of gender-based violence such as psychological, as well as sexual violence including rape and sexual abuse, emotional harm, coercion as well as economic violence. Although these forms of violence usually precede fatal events, they are heavily underreported.
- ▶ Access to firearms possessed by other family members or other people sharing the same household also poses a risk of their misuse in domestic violence and should be duly considered.
- ▶ A perpetrator's access to firearms based on occupation and professional training in their use increases the likelihood of a lethal outcome. From 2019 to 2021, one in ten (10 out of 101) people killed with firearms in domestic violence in the Western Balkans was killed by either a police officer or military personnel.
- ▶ The presence of service firearms at home, particularly if not stored properly, increases the odds of their misuse of domestic violence and such cases have been reported in the region.
- ▶ While both legally and illegally owned firearms are misused in domestic violence, illegally owned firearms pose a specific risk due to the lack of any control mechanism over them.
- ▶ Mass shootings are very often linked with domestic violence. There have been several cases in the region in which public mass shootings were preceded by domestic violence incidents. The firearms misuse in domestic violence poses risks both to the safety of victims but also to the broader community.

- ▶ The perpetrators of some mass shootings had a record of domestic violence allegations or charges. There were also reported cases in which a firearm was returned to the perpetrator only to be used in mass shootings several days later.
- ▶ Firearms femicides are often committed in public with several witnesses in the immediate vicinity.
- ▶ The presence and firearms misuse pose a direct risk to the safety of police officers participating in the intervention.
- ▶ The presence of firearms is associated with an increased risk of suicide. In families in which there is domestic violence, the presence of firearms can increase the risk of suicide among victims, abusers, and even among other family members.
- ▶ Children who live in families where there is firearms misuse are exposed to an increased risk of trauma, which can have long-term consequences on their development. There is also a risk that children may come into contact with the weapon, which can lead to accidents.
- ▶ The availability of weapons to children and young people increases the risk of accidents, suicides and violence among young people.
- ▶ The traumatic effects of firearm misuse affect not only victims, but also witnesses, including children and other family members.
- ▶ The firearms possession and misuse in the domestic violence context may be linked to other criminal activities, including arms and drug trafficking, or organised crime.

A recent analysis of femicides committed with firearms in Serbia^{vii} identified the following high-risk factors that preceded them: **victim leaving the perpetrator** (68% of the cases), **perpetrator's jealousy** (63% of the cases), **victim's fear of the perpetrator or of being killed** (47% of the cases), and **victim being stalked and followed by the perpetrator** (26% of the cases).

In 4 out of 19 femicides committed with firearms, perpetrators had access to firearms due to their security-related work, for instance, a farmland warden, game warden or police officer.

1.3 Why do we need these Guidelines?

In 2021, SEESAC conducted a large-scale gender analysis of small arms control legislation and policies in the Western Balkans to assess and enhance their gender responsiveness. The analysis documented noticeable efforts undertaken across the region to ensure that laws on weapons prevent the use of firearms in the domestic violence context. This is achieved both through laws on weapons that aim to restrict access to firearms to an applicant if there is a history of domestic violence and also laws on the protection from domestic violence, which put in place a comprehensive set of measures to boost the prevention of domestic violence. Such measures also include risk assessment and risk management procedures.

The risk of immediate danger of domestic violence presents the likelihood that domestic violence will occur, repeat and escalate. The safety risks a particular victim faces are assessed on a case-by-case basis, according to standardised procedures. A risk assessment includes assessing the lethality risk, the seriousness of the situation, and the risk of repeated violence.^{viii} Relevant authorities manage the safety risks identified in a risk assessment through activities directed towards victims (e.g., safety planning), towards perpetrators (e.g. using police powers to pursue, detect and disrupt offending behaviour), or towards victims and perpetrators in combination. The scope and type of activities undertaken should be based on the risk assessment, implemented within a multiagency framework, and monitored for effectiveness. These activities aim to try to reduce the threat posed by the perpetrator and protect the victim from further violence and abuse.

Risk assessment procedures in the Western Balkans recognise, although to a varying degree, risks associated with firearms in the domestic violence context. Risk assessments primarily take into account the possession of firearms by a perpetrator and, to a lesser extent, access to firearms, and also whether a firearm was misused in the reported incident.

Despite evident efforts to address the risks related to the firearms misuse in domestic violence, available data document the persistence of domestic violence, including the use of firearms in such a context.

Such trends call for urgency to the issue. In that regard, the Working Group thoroughly considered how the existing risk assessment procedures could be further enhanced to capture all forms of firearms misuse in domestic violence. While the risk posed by both legally and illegally owned firearms was addressed, the Working Group particularly highlighted the challenges related to the misuses of firearms in illegal possession and their timely detection.

Box 1: The Council of Europe Convention on preventing and combating violence against women and domestic violence and risk assessment

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence highlights the obligation to take into account risks induced by firearms in the domestic violence context.

Article 51 – Risk assessment and risk management

1. Parties shall take the necessary legislative or other measures to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide coordinated safety and support.
2. **Parties shall take the necessary legislative or other measures to ensure that the assessment referred to in paragraph 1 duly takes into account, at all stages of the investigation and application of protective measures, the fact that perpetrators of acts of violence covered by the scope of this Convention possess or have access to firearms.**

Paragraph 2 extends the obligation to ensure that the risk assessment referred to in Paragraph 1 of this article duly take into account reliable information on the possession of firearms by perpetrators. The perpetrators' possession of firearms not only constitutes a powerful means to exert control over victims, but also increases the risk of homicide. This is particularly the case in post-conflict situations or in a setting with a tradition of firearms ownership, which can provide perpetrators with greater access to these weapons. However, very serious cases of violence against women and domestic violence are committed with the use of firearms in all other settings as well. For this reason, the drafters felt it essential, at all stages of the investigation and application of protective measures, to impose the obligation to ensure that any assessment of the risks faced by a victim should systematically take into consideration whether the perpetrator legally or illegally possesses or has access to firearms in order to guarantee the safety of victims. For example, in imposing emergency barring orders, restraining or protection orders, and when sentencing following criminal convictions for any of the forms of violence covered by the scope of this Convention, Parties may adopt, within their domestic legal systems, such measures as may be necessary to enable immediate seizure/confiscation of firearms and ammunition.

2. Guidelines overview

2.1 The goal of the Guidelines

The goal of these Guidelines is to support police officers to effectively:

- ▶ **assess,**
- ▶ **address,**
- ▶ **prevent and reduce**

risks related to the presence and firearms misuse in domestic violence cases, and violence against women in particular, and, in doing so, contribute to improved safety of domestic violence survivors.

By supporting the effective implementation of relevant legal provisions and strategic priorities, the Guidelines aim to contribute to the elimination of domestic violence, violence against women, and gender-based violence, and increase the safety and well-being of women and men in the Western Balkans.

The Guidelines should be considered primarily as an aid to professionals to better address the risks related to firearm misuse in domestic violence, and they build on risk assessment procedures already in place. The Guidelines aim to further enhance the effectiveness of actions, including risk assessments, already performed by designated officers with no intention of replacing the existing standard operating procedures. They provide a more detailed guidance on how to assess these specific risks associated with firearms more thoroughly, address them properly, and ensure the safety of victims.

The Guidelines assume that relevant police officers are familiar with the existing risk assessment and other relevant standard operating procedures in their respective jurisdictions. Therefore, the Guidelines do not contain mentioned risk assessment lists, and the focus is solely on the role of firearms in domestic violence.

2.2 Who are the Guidelines for?

The Guidelines are primarily intended for police officers who act in cases of domestic violence. In addition, the Guidelines can be a useful tool for all other actors in the prevention of domestic violence, such as centres for social work, prosecutor's offices, courts, coordination mechanisms if established, as well as organisations which provide specialised services to victims of violence.

2.3 Principles

The overall approach taken in the Guidelines is based on full respect and integration of the overarching principles in preventing and eliminating domestic violence, violence against women, and gender-based violence. These principles include:

- *Zero tolerance of violence*, i.e. the society does not accept domestic, sexual and gender-based violence or the attitudes that underpin it,
- *The priority of all interventions is to stop violence and ensure other measures of support and assistance for victims*,
- *The safety of a victim* is a priority in actions taken by services, institutions and authorities,
- *Adopting a victim-centred approach* and considering the victims' multiple needs, vulnerabilities and the risks they face, as well as the impact the decisions and actions taken have on them,
- *The perpetrator is the solely responsible for the violent behaviour*,
- *Power imbalance between the victim and the perpetrator* of violence needs to be considered in any intervention,
- *Categories such as age, disability, ethnicity, sexual orientation, gender identity, place of residence (urban-rural), exposure to poverty* must be taken into account when responding because they can greatly influence the forms and the degree of exposure to the risk of domestic violence.

2.4 The content of the Guidelines

The Guidelines encompass a set of practical checklists aimed to assist police officers to appropriately assess the risks of misuse of firearms, both legally and illegally owned, in domestic violence and respond to them with required urgency.

Based on such an approach, the Guidelines provide an overview of actions related to firearms to be undertaken in each step of police proceedings:



STEP 1:

High-risk intervention indicators

To effectively plan an intervention, the police officer on operational duty and police officer(s) taking part in an intervention should be familiar with the high-risk intervention indicators in the domestic violence context, particularly those involving firearms.

If any of the indicators listed below are identified, the intervention should be planned as high-risk. Their presence indicates a potentially high-risk intervention and should be treated with utmost urgency and caution.

Indicators of high-risk intervention include incidents/events when:

- ▶ A perpetrator possesses a firearm or has access to it, regardless of whether the perpetrator threatens to use the firearm,
- ▶ There are indications that the perpetrator could illegally possess firearms,
- ▶ A perpetrator threatens to use a firearm, including for suicide,
- ▶ The perpetrator has threatened to use of a firearm before,
- ▶ A firearm was used in the reported incident, or in a previously reported incident,
- ▶ When a person is seriously injured, life is under threat, or death has occurred,
- ▶ When the victim or other persons (usually children) are under immediate threat (hostage situation), in particular if firearms are involved,
- ▶ When violence is ongoing, especially if there is a record of previous domestic violence reports,
- ▶ When a perpetrator has access to weapons due to their occupation and is professionally trained in their use (such as a police, army officer or an employee of another institution who is allowed to carry weapons, such as member of the intelligence service, judicial police, customs, correctional services, forest guard, bank security officer, museum security, etc., a private security employee, an employee in a firearm sale shop, farmland protection service, or a game warden),
- ▶ The perpetrator has been previously convicted of any form of criminal offence or misdemeanour involving violence.

The risks are further exacerbated if a perpetrator is intoxicated or under the influence of psychoactive substances, has mental health issues, including undiagnosed conditions, or when he/she is inclined to attack or violently interfere with police officers.

It should be noted that establishing the history of domestic violence and the possession of weapons, will be difficult for foreign citizens who are on temporary residence.

▼ BEAR IN MIND

Risk in a domestic violence incident is a dynamic category that can swiftly escalate, aggravate the situation, and increase the lethality risk, both for the victim and the intervening police officers.

In view of the complex dynamics of domestic violence, it is necessary to respond to all forms of domestic violence comprehensively and with caution, including, but not limited to, the identification of high-risk factors.

The risk increases if:

- The perpetrators have a history of mental illness,
- There is a history of violence and/or record of previous reports of violence,
- There are extreme emotions or instability: perpetrators who display extreme emotions or behave unstably can be unpredictable and more dangerous,
- The presence of children in the household can increase the risk during a violent incident,
- The perpetrator threatens to commit suicide,
- There are court proceedings, such as custody battles, divorces or issuance of protection orders, which can trigger the escalation of violence,
- Extreme jealousy or control is displayed including stalking or isolating the victim,
- Pets are abused or killed,
- There are sudden or extreme changes in the perpetrator's behaviour,
- The perpetrator made threats to kill the victim or members of her broader circle,
- The victim states that she fears that the perpetrator could kill her, or kill people from her immediate vicinity, although he did not make explicit threats,
- The perpetrator violated or violates protective measures,
- There is a combination of several factors: e.g. the victim reports domestic violence for the first time, the violence has escalated in the last year, the victim has left the abuser.

STEP 2:

Receiving a domestic violence report

Police officers on operational duty are the first instance to receive a violence report. Due to this position, they play a vital role in collecting information for proper planning of an intervention, timely assessment and consideration of firearm-related risks, and ensuring the safety of the victim and other family members present during the incident, in particular children.

Such information is also crucial for the safety of police officers proceeding in reported cases of domestic violence, as well as the safety of other professionals who might be involved. **Upon receipt of the report, the police officer on duty is obliged to carefully convey all the collected information to the officers who will go to the scene. This ensures the implementation of measures to protect personal safety and the safety of the citizens present upon arrival at the scene of the incident.**

In addition, the manner in which the officers on duty initially act can greatly influence the further actions of the victim.

To the extent possible, a police officer on operational duty should collect the information on the following circumstances from a person reporting violence:

1. Where does the violence take place (address)?
2. Is violence still ongoing at the time of reporting, or has it stopped?
3. Who is he/she talking to (victim, family member, witness...)?
4. Who is the victim? Is the victim in immediate danger? Who else is present during the incident? Are there children and older people present?
5. Is anyone injured? If yes, has a healthcare institution been notified?
6. Who is the reported perpetrator, and is he currently present?
7. Is the perpetrator under the influence of alcohol or psychoactive substances?
8. Has there been a previous history of violence?

With regard to firearms, ask about the following:

1. Was a firearm used in the incident? If yes, in what manner?
2. If a firearm was used, including for threatening, where is the firearm now?
3. Does the perpetrator possess a firearm or multiple firearms? Where is a firearm/ firearms stored?
4. What is the perpetrator's occupation?
5. Does someone else within the family, particularly those living in the same household, possess a firearm?

6. Has the perpetrator previously threatened the victim with firearms, including verbally?

▼ BEAR IN MIND

In case there is immediate danger to the victims, the violence continues, or the person reporting the violence is unwilling or unable to answer all the listed questions, the on-duty police officer will prioritise questions related to the location of the violence and specific dangers the victim is facing.

▲ SAFETY ADVICE

In case a firearm has been used in the incident or there is an imminent risk of its use, the victim should be advised to:

- a. go into a room or premises with an accessible exit, preferably on the ground floor,
- b. stay away from rooms without exits and spaces where a firearm or other type of weapons might be present, such as the kitchen, bathroom, or garage,
- c. stay in a room with a telephone to call the police, a friend, or neighbours,
- d. avoid confrontation with the perpetrator.

The above safety advice should be given to victims in all cases, not only if a firearm has been used or there is a high risk of its use. In addition, the victim should be advised to have the police number on speed dial and to have the phone's battery charged at all times.

It is necessary to inform the victim about specialised assistance and support services for the protection of domestic violence victims (if such services are available) with which they can develop a quick response plan - e.g. agree on a word or phrase that the victim would say when calling the specialised service, which would imply that the specialised service would immediately contact the police and explain in detail where the victim is, as well as that it is a high-risk case.

STEP 3:

Assessing risks

In the domestic violence context, firearms pose **a multiple security risk**. When assessing risk or intervention, police officers must take into account the following situations:

- a. The perpetrator or another household member (including the victim) has a weapon in legal possession,**
- b. The perpetrator or another household member has a weapon in illegal possession,**
- c. The perpetrator has access to firearms as part of occupational duty and is trained in their use,**
- d. The perpetrator could easily access firearms,**
- e. The perpetrator threatens to use a firearm,**
- f. Visual indicators indicate the possible presence of firearms in (i)legal possession,**
- g. There were previous police interventions at the same address or related to the same persons.**

Assessment of whether any of these risks might be present is conducted by the police officer on operational duty (or other designated officer) **immediately** upon receiving a domestic violence report. The assessment is carried out for each reported case of domestic violence, and it is crucial for intervention planning. It is also necessary to consider potential scenarios that could lead to an escalation of violence, including reactions to police intervention. **Relevant information is retrieved through all available data sources, including the relevant Ministry of Interior (Mol)/Police databases and police operational logs.** This check should be conducted swiftly and simultaneously with intervention planning as reacting quickly and safely is of utmost importance.

Each specific risk is further elaborated below.

A) The perpetrator or another household member has a weapon in legal possession

Upon receiving a domestic violence report, the officer on operational duty checks the following:

- ▶ Does the perpetrator legally own a firearm (or multiple firearms) registered in the Mol firearm registry?
- ▶ Does the perpetrator legally own a firearm (or multiple firearms) registered in the Mol firearm registry, but the firearm was seized or reported as lost or stolen, or sold?
- ▶ Does any other household member have a firearm (or multiple firearms) in legal possession?
- ▶ Has any household member who owned a firearm (or multiple firearms) passed away? If yes, request information on each specific piece of firearms,

- ▶ Were any firearms in the possession of the perpetrator or another household member seized? Verify whether the firearm (or multiple firearms) has been returned.

▼ BEAR IN MIND

In some instances, the existing firearms databases may not necessarily provide up to date data on firearms ownership, or data could not be accessible at any moment (24/7) to police officers responding to domestic violence.

B) The perpetrator or another household member has a weapon in illegal possession

When assessing whether the perpetrator or other household members, including the domestic violence victim, may have a firearm in illegal possession, several circumstances could indicate the possibility or suspicion of it. If any of the indicators below are present, they must be taken into consideration and checked without exception by the designated police officer.

In order to assess if the perpetrator may illegally own a firearm, the following should be taken into account:

- ▶ The victim suspects that the perpetrator illegally owns a firearm or has access to one.
- ▶ An exchange of information with other police officers indicates that the perpetrator might illegally own a firearm/multiple firearms/explosives.
- ▶ Are there any indications that the perpetrator may possess or have access to firearms due to his current or previous occupation (such as a police officer or a military personnel or an employee of another institution who is allowed to carry weapons such as the intelligence service, judicial police, customs, correctional services, forest guard, bank security, museum security, etc., a private security employee, an employee in a firearm sale shop, farmland protection service, or a game warden)?
- ▶ Are there any indications that the perpetrator may possess or have access to firearms due to his participation in armed conflicts or living in an area where armed conflict took place?
- ▶ Has the perpetrator been charged with any criminal offence related to illegal possession or trafficking of weapons or a violation of the legal requirements related to weapon possession and carrying, including misdemeanour charges? Has the

perpetrator been convicted or fined for celebratory shooting? All reports should be considered regardless of whether they fall short of conviction.

- ▶ Has the perpetrator's request for a firearm license ever been declined?
- ▶ Check the perpetrator's previous history (previous criminal dossier and record, membership in a criminal group, or being a person of interest to the police, and any information suggesting illegal weapon possession, and if he has spread the word to others that he will use a weapon/s against the woman-victim, etc.).

Any of the above indications should be fully considered and further checked. Given the seriousness of the domestic violence risk, data that are not immediately available must be collected as soon as possible for the purpose of timely planning of an intervention.

▼ BEAR IN MIND

While the victim can be an important source of information regarding firearms that might be in illegal possession, the following must be considered:

- Victims or other people reporting violence might not be aware of the presence of firearms,
- Victims might not be ready to report illegal firearms due to fear of consequences and reprisals,
- Victims might be unable to provide any of the information above, particularly in situations involving a serious and imminent threat to their life,
- The victim may not fully appreciate the risk posed by the presence of a firearm and may not report this fact because she considers it irrelevant.

With that in mind, it is necessary for police officers to collect the following:

- Operational intelligence in the field,
- Information from specialised help and support services if the victim turned to them for help,
- Information from a trusted person if the victim has one.

Box 2: New technologies - 3D printing

The perpetrator's access to new technology that allows, for example, the printing of weapons in three-dimensional (3D) format, can pose a considerable risk. 3D printing, also known as additive manufacturing, is a technology by which layers of material are placed on top of each other under computer control, with the end result being a three-dimensional object.

In recent times, 3D printers have gradually become more widely available in the market and are used in various industries, including automotive, aerospace, architectural, defence, and medical equipment. In previous years, the term 3D printing became known as a relatively simple method for producing firearms, raising concerns that this could lead to increased proliferation, security breaches and even to encouraging terrorism.

With the rapid development of the 3D printing technology, the drop in prices of 3D printers and consumables, as well as the emergence of new and improved materials on the market, it is crucial that relevant institutions become familiar with the features of this technology and monitor the situation in order to react in a timely manner. The development of 3D printers involves a number of challenges, such as controlling the unauthorised firearms manufacture, enforcing restrictions on digital files related to firearms on the Internet, detecting and tracking 3D printed firearms, limited application of forensic techniques, etc.

C) The perpetrator has access to firearms as part of occupational duty and is trained in their use

- ▶ Is the perpetrator authorised to have access to a firearm based on his current or previous occupation (police officer, military personnel or an employee of another institution that authorizes him/her to carry a weapon, such as the intelligence service, court police, customs, persons working in penitentiary institutions, forest guards, bank security, museum security, etc., private security workers, employees in a firearm sales, game or farmland warden)?
- ▶ Is the perpetrator authorised to carry a service firearm as part of his official duties?
- ▶ Is the perpetrator a member of a hunting or sports shooting association?
- ▶ Are there any indications that the perpetrator may own or have access to weapons based on his engaging in a certain hobby (archery, hunting or similar)?

D) The perpetrator threatens to use a firearm

- ▶ The perpetrator previously threatened the victim with the use of firearms,
- ▶ The perpetrator threatened the victim with the use of firearms during the reported incident,
- ▶ Based on operational intelligence, the perpetrator told/or threatened through another person that he would use a firearm against the victim,
- ▶ The perpetrator threatened the victim in the presence of police officers,
- ▶ The perpetrator threatens to commit suicide,
- ▶ Threatening with firearms can also include demonstrating firearms to instil fear in the victim,
- ▶ The perpetrator's previous history (previous criminal dossier and record, membership in a criminal group, being a person of interest to the police, operational intelligence suggesting illegal weapon/s possession, and if the perpetrator was spreading the word to others that he would use a weapon/s against the woman-victim, etc.).

E) Visual indicators of (il)legal possession of firearms

In addition to the indicators mentioned above, during the intervention, attention should be paid to the presence of the following objects/indicators, which could indicate that the perpetrator might have (il)legal firearms in possession or have access to firearms:

1. Ammunition or ammunition packaging



Source: SEESAC

2. Storage safe



Source: Shutterstock

3. Gun magazines



Source: Shutterstock

4. Trophies: hunting or sports shooting



Source: iStock

5. Gun oil or cleaning tools



Source: Shutterstock

6. Reloading tools



Source: Shutterstock

7. Bullet holes in trees or plates in the garden



Source: Shutterstock

8. Possession of targets



Source: Shutterstock

▼ BEAR IN MIND

In case firearms legally owned by the possible perpetrator have been seized, make sure to check if any decision on returning these firearms has been made, and, consequently, if the firearm was returned to the perpetrator.

Box 3: Checking social media and online presence

Perpetrator's social media accounts can provide indications about a possible use of firearms. Attention should be paid to any activity that could raise a red flag.

With regard to social media and online presence, special consideration should be paid to any content that:

- Promotes and glorifies violence in any context,
- Contains misogynistic attitudes, hate speech towards women and girls, or other strongly expressed prejudices against women,
- Justifies or calls for violence against women and girls and gender-based violence, including sexual violence, harassment and abuse,
- Relates positively to mass shootings, including posting on past mass shooting perpetrators,
- Contains hate speech or violent attitudes towards particular groups categorised by, for example, ethnicity, gender identity, disability, sexual orientation, age, religion,
- Involvement in cyberbullying and/or online harassment/cybercrime,
- Indicates gang affiliation,
- Indicates radicalisation and violent extremism,
- Promotes violence at sports events,
- Promotes dangerous, careless or inconsiderate driving,
- Indicates cruelty against animals.

STEP 4:

Intervention

A) Ensuring personal safety and safety of victims

Police officers taking part in the intervention are obliged to stop the violence if it is still ongoing, separate the victim from the perpetrator, remove any immediate danger for the victim, and prevent any further violence from happening.

When there are indicators of possession or access firearms in the reported incident, police officers should take all the necessary steps to ensure their own safety, the safety of the victim, as well as, that of other people.

In addition to the standard operating procedures applicable in the specific situation, with regards to firearms the following security measures should be taken:

- If there are any indications that a perpetrator is armed, when arriving to the location of the incident, police officers should observe and assess the situation in order to choose the safest and most effective way of the scene and the perpetrator. When dispatching a patrol, the duty service is obliged to continue to carry out all the necessary available checks in the records at its disposal and to inform the deployed officers about the results without delay.
- During the police intervention, if a police officer notices a firearm on a person, he/she must take all the security measures to ensure personal safety and the safety of others present.
- The perpetrator with a weapon should be kept under constant surveillance during the approach.
- When contacting the person, the police officer should prevent him/her from having contact with the weapon in such a way that the police officer will personally take the weapon and secure it.
- Police officers should also search the perpetrator due to the possibility that he/she may be hiding other weapons. If the perpetrator is being taken to the police station, it is mandatory to perform a search so that he/she does not have other hidden weapons in his/her clothes.

B) Securing and retrieving traces of criminal actions and firearms

In cases in which a firearm was used (or a firearm is the subject of a criminal offence), the standard operating procedures for crime scene investigation are applied. It is of utmost importance not to contaminate evidence. Crime scene investigation team should go to the scene and carry out an investigation to discover, record, fix and remove all traces that are crucial for investigation. If necessary, establish a security perimeter until the arrival of a specialised team.

c) Seizure of firearms

If a firearm was not used, police officers will, acting on every report of domestic violence (regardless of the outcome), always:

- **Seize all firearms, ammunition, and firearm permits from all persons involved in the incident (either as victims or perpetrators) as well as family members living or staying at the address of the perpetrator or victim (i.e., share the same household, regardless of their official residence).**
- **In case any participant of the incident possesses a weapon located in another location, take steps and actions to immediately find and seize that firearm.**
- **Confiscate all firearms in illegal possession and file criminal charges for the respective criminal offence.**

When the actor in an incident of domestic violence is a police officer, military personell or any other professional authorised to carry firearms, his/her privately owned firearm shall be seized instantly. Also, his/her immediate supervisor shall temporarily seize his/her service weapon without delay.

D) Firearms in illegal possession

When there are indicators and when police officers reasonably suspect, during the intervention, that the person reported for domestic violence or one of the household members may possess an illegal weapon, they immediately and without delay take all measures to find the weapon, including **search as per applicable procedures. Police officers will coordinate these measures with the relevant public prosecutor's office.**

This also includes the situation when information on possible possession of illegal firearm is obtained from a victim, family members or other persons, including neighbours.

When there are indicators of illegal possession of weapons, police officers primarily take care of their own safety, the safety of the victim as well as of other persons.

Thereupon, the police officers shall take the following measures:

- Immediate supervision and control over a person who may possess a weapon will be implemented,
- Such a person shall remain with the police officers, he/she cannot leave independently or move around the building, house, or apartment,
- People whose presence is not necessary will be removed from the facility or space,
- No one without permission should be allowed to access the facility or the area where the search needs to be carried out,
- Search shall be conducted in accordance with the relevant legal provisions and procedures regularly applied in such situations,
- Statements shall be taken from family members about the possible possession and presence of weapons.

Police officers also take these measures in situations in which a person has a weapon in legal possession that needs to be seized, but the person:

- declares that he/she does not know where it is,
- declares that it was stolen but that he/she did not report it,
- avoids giving information about the location of the weapon.

In specific cases in which there are reasonable grounds that illegal firearms could be found, support for K9 dog units could be required or the use of an electronic sniffer should be considered.

▼ BEAR IN MIND

Before any handling, regardless of whether the weapon is found at the scene, observed on a person, or found by taking other actions, including seizure, after properly fixing the traces, it is mandatory to treat every piece of weapon as loaded and ready to fire, and accordingly carry out ejecting the frame with ammunition, when possible, check the contents of the barrel chamber and if it is established beyond doubt through all the checks that the weapon is unloaded, police officers can continue with the further handling of the weapon.

In the event of a firearm licence revocation, active steps may be necessary to protect the partner of the licence holder or firearm applicant from retaliation.

ⓔ) Presence of explosives and explosive devices

In the case of observing suspicious objects that can be assumed to be explosive devices, they should not be touched. This should be immediately reported to the competent operational unit and the assistance of the Explosion Protection Unit requested.

STEP 5:

Incident aftermath

Upon seizure, firearms shall be safely deposited in an evidence room or another designated location.

If a person reported for domestic violence is a firearm licence holder and his/her firearm is temporarily seized during the domestic violence report, **his/her fitness to hold a firearm licence will undergo a necessary review to ensure there is full compliance with the eligibility criteria** set by the Law on Weapons. **Such review will be triggered after any report of violent behaviour or if there is reasonable doubt that firearms could be misused.**

Given that the Law on Weapons requires that in order to hold a firearm licence, a person's behaviour shall not indicate that they would pose a threat to themselves or other people and to public order and peace, and there are no indications that firearms will be misused, **a decision on the revocation of the firearm licence should be initiated to effectively mitigate risks and prevent any further occurrence, repetition or escalation of domestic or another form of violence.**

▼ BEAR IN MIND

When assessing the eligibility of firearms licence holder to continue holding the licence, bear in mind that firearm ownership is a possibility prescribed by the Law, and comes with a set of strict obligations.

The decision should take into account all relevant circumstances which could indicate that a firearm could be misused, including: outcomes of reported domestic violence incidents, whether criminal or misdemeanour charges have been filed, whether proceedings have been or are being initiated, whether emergency measures and other protective measures have been imposed and which ones, whether they are in force, whether emergency measures and other protection measures were violated and which ones, whether there is operational knowledge about the violation of measures that was not reported or processed, opinion of the victim and family members about the possession of weapons, whether they agree, whether they express discomfort or fear during the survey on this issue, or other personal impressions of the police officer that indicate that these persons feel fear and have concerns on this issue, licence holder's current relationship with the victim, candidate's behaviour after the violence report, in particular when discussing the reported violence, identified risks upon the report of violence, opinion of the acting competent police officer.

▼ BEAR IN MIND

The decisions with the highest risk include:

- A decision not to revoke the licence has been made following a review of suitability triggered by an incident. This includes cases in which firearms have been seized to allow such enquiries to be completed, and a decision is made to return those firearms.
- A licence is granted or renewed where there is evidence of violence, domestic abuse, or medical unsuitability, or concerns have been raised by someone known to the licence holder, but the applicant has been assessed as suitable.

Based on the findings of a comprehensive report, further decisions on firearms will be made by the relevant administrative department. Such department should inform the criminal police officers who respond to the reported cases on the outcome of the decision-making process. In addition, active steps may be necessary to protect the licence holder's partner from reprisals due to licence revocation.

This is especially important because there is a number of circumstances that may trigger the perpetrator to use the firearm in the aftermath of the domestic violence incident. The circumstances that may require police officers' attention are as follows:

Circumstances that require precautionary measures

1. A woman who is a domestic violence survivor is leaving the perpetrator or she recently separated (up to 1 year),
2. A woman who suffered domestic violence is initiating a divorce procedure, especially if her partner does not accept the initiation of the procedure,
3. A woman who suffered domestic violence is initiating/amending custody, visiting rights for their children or there is a conflict over children contact/custody,
4. A woman who suffered domestic violence is initiating/amending alimony for their children,
5. A woman has a new partner,
6. A woman survivor of domestic violence changes her place of residence,

7. A woman reports stalking or harassment by the perpetrator, including unwanted messages, calls or social media,
8. A woman reports that the partner insists on continuing their life together and acts jealously,
9. A woman expresses fear or concern for her safety or the safety of her children or other family members.

In the aftermath of a domestic violence incident, special attention should be paid to the cases in which a temporary restraining order was imposed on the perpetrator, especially if the restraining order is related to weapons seizure.

Finally, the responding officers are key in documenting the domestic violence incidents and actions taken in cases in which a firearm was present and/or misused. Therefore, diligent and regular reporting of such cases is key to hold the perpetrator accountable and prevent further violence.

- I** The definitions in this chapter are obtained from the Council of Europe Convention on preventing and combating violence against women and domestic violence.
- II** For more information, see the [OSCE-led Survey on Violence Against Women - Main Report](#). This report presents the cross-regional, comparable findings of the OSCE survey on the well-being and security of women, which was conducted in 2018 in selected jurisdictions in Southeast and East Europe. The OSCE-led research included a quantitative and qualitative component and was conducted with the aim of providing comparable data on the different forms of violence women experience in childhood and throughout their lives. The research examined the violence experienced by women in conflict and non-conflict settings, as well as the impact of violence on women and girls, including its lasting consequences. Questions about norms and attitudes regarding violence against women were asked in order to better understand the underlying causes of violence.
- III** SecuriMeter 2023–Public Opinion Survey on Security, Regional Cooperation Council, 2023.
- IV** SecuriMeter 2022–Public Opinion Survey on Security, Regional Cooperation Council.
- V** Source: Gender and Small Arms in Southeast Europe, SEESAC, 2016.
- VI** Analysis of cases of femicide committed by firearms (June 2017 - June 2020). UNDP Serbia, 2021.
- VII** Ibid.
- VIII** A guide to risk assessment and risk management of intimate partner violence against women for police, European Institute for Gender Equality, 2019.

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