

Written Testimony of Sheriff Christopher Schmaling
Before the
Committee on the Judiciary, United States Senate
Hearing on VAWA Next Steps: Protections Women from Gun Violence
July 30, 2014

Chairman Whitehouse, Senator Grassley, Senator Leahy, members of the Committee, thank you for hosting this hearing today, and thank you for the opportunity to testify. My name is Christopher Schmaling. I am the sheriff of Racine County, Wisconsin and have been a law enforcement officer for 19 years. I am a conservative Republican, and I'm here today to ask you to pass two laws that will protect our sisters, our mothers, and our daughters by keeping guns out of the hands of domestic abusers. The first bill is the Protecting Domestic Violence and Stalking Victims Act of 2013, which will block abusive boyfriends and convicted stalkers from possessing guns. The second is a bill that would require criminal background checks for gun sales by unlicensed sellers.

More than half of the women murdered each year are killed by intimate partners or family members. That's 48 women killed by husbands and boyfriends each and every month.¹ We know that people with a history of committing domestic violence are more likely to become killers—and we know the role that firearms play: When a gun is present in a domestic violence incident, the chances that a woman will be killed increase by 500 percent.²

These numbers are tragic. As the top law enforcement officer in Racine County and over my two decades on the force, I've seen far too many of these tragic incidents firsthand.

I want to tell you about one such domestic violence incident, a tragedy that changed my career. In 2004, Teri Jendusa-Nicolai was violently abused and left for dead by her ex-husband. Teri had endured three years of a violently abusive marriage before divorcing him, and had then taken out multiple restraining orders against him over several years. That horrible day in 2004, he threatened her with a .38 caliber handgun, beat her with a baseball bat, bound and gagged her, and left her in a storage unit to die. My partner and I were the lead investigators on the case, and through some good breaks and some great luck, we rescued Teri before she died. As a result of the ordeal, Teri had a miscarriage and had to have her toes surgically removed.

Teri is one of the most wonderful people I've ever known, and has been a tremendous advocate for victims of abuse in the decade since she was nearly killed at gunpoint. We've become very close since then, and my eyes have been opened to the reality of domestic violence and gun violence. I've also become close with Elvin Daniel, who is sitting here beside me today, and have been moved by his sister Zina's story.

¹ Everytown for Gun Safety analysis of FBI Supplementary Homicide Reports, 2008-2012.

² JC Campbell et al, "Risk factors for femicide in abusive relationships: results from a multisite case control study," *American Journal of Public Health*, July 2003.

I'm proud to say we are the first county in the state of Wisconsin to have a full-time domestic violence specialist. We work closely with victims to figure out how best to protect them. We've made this very intimate and very deadly area a top priority for our department. So much of the crime we face in Racine County is intimate partner abuse, and any cop will tell you that domestic violence calls are the most dangerous calls. The last thing a victim needs, and the last thing my officers need, is for these dangerous abusers to be armed with illegal guns. We respond to domestic violence incidents differently than other calls, because these are "heightened risk" calls—we send more officers, we go ahead and assume that guns will be involved, because they are so often involved. Abusers routinely threaten to shoot my deputies and I upon arrival at domestic violence calls. In fact, according to FBI data, over 150 law enforcement officers have been killed in action while responding to domestic disturbances.³

I'm proud to have worked on a great domestic violence bill in Wisconsin in 2014 known as "The Safe Act," a bill that ensures guns are kept out of the hands of domestic abusers. This bill was passed by a bipartisan majority and signed by our Republican governor Scott Walker. This year alone, similar bills were passed with bipartisan support in New Hampshire, Minnesota, Vermont, and Washington. And in Louisiana, where another Republican governor—Bobby Jindal—signed the bill into law.

The first bill I'm asking you to pass today is the Protecting Domestic Violence and Stalking Victims Act of 2013, S. 1290, introduced by Senator Klobuchar. This bill would close a loophole that allows abusive dating partners to buy and have guns—simply because they are not married to their victims. And it would also block people with stalking convictions from having guns. Why is this bill so important? I can tell you firsthand that domestic violence is horrific, *whether or not* the abuser and victim are married. When we send our police into danger to respond to domestic violence calls, we send the same folks regardless of the couple's marital status. Dangerous boyfriends can be just as scary as dangerous husbands; they hit just as hard and they fire their guns with the same deadly force. In fact, according to FBI data, *more* women are killed in America by their abusive boyfriends than by their abusive husbands.

This past March, just a couple hours from Racine County, Cheryl Gilberg was killed by her ex-boyfriend in a domestic dispute. The killer apparently shot Cheryl with her own gun, after a struggle. According to news reports, she had been seeking a restraining order at the time of the killing. But in cases like Cheryl's, a restraining order isn't good enough. If you've never been married to your abuser, federal law likely will not stop him from buying a gun.

If Congress passes this bill, federal law will be catching up with the states. Among the 22 states that prohibit gun possession by domestic abusers subject to restraining orders, 19 of those states already include abusive dating partners. And 42 of our states have recognized that dating partner abuse is a form of domestic abuse by allowing victims to take out domestic violence restraining orders against their boyfriends.⁴

The second bill I'm asking you to pass today would require criminal background checks for gun buyers who shop with unlicensed sellers. Current federal law prohibits many abusers from buying guns,

³ Everytown for Gun Safety analysis of FBI data, 1980-2012.

⁴ Break The Cycle, available at: <http://www.breakthecycle.org/state-law-report-cards>

but only requires them to pass a background check if they buy a gun from a licensed dealer. This is a gaping hole in the law: It means a convicted wife-beater can slip through the cracks and get a gun simply by finding a seller who does not have his own gun store.

This is exactly what happened in Dane County: Tyrone Adair was a domestic abuser who had been convicted of battery twice, and was legally prohibited from owning a gun because of a restraining order. So instead of going to a gun store—where he would have had to pass a background check—he found an ad for a 9mm Glock in a local paper, and met the seller at a hardware store. There was no background check, though the seller did ask, and I quote, “You’re not going to go out and kill someone, are you?” Tyrone Adair used that gun on a horrific murder spree, killing his two daughters—ages 1 and 2—and killing their two mothers.⁵

Background checks work. Sixteen states and DC already require background checks for all handgun sales, and about 40 percent fewer women are shot to death by their husbands and boyfriends in those states.⁶ And background checks save law enforcement lives as well: about 40 percent fewer cops are killed with handguns in those states, as well.⁷

These are the cops that risk their lives when they respond to domestic violence calls, rushing in to the middle of very dangerous and very intimate situations. We see the terror that abusers can create when they are armed. We see the impact on their wives and girlfriends, and on their children. We’re major proponents of community policing in Racine County, and if I have my officers on the street, working closely with our residents, I want to know that our laws are doing everything they can to keep guns out of abusive hands.

So I’m here to speak for victims of abuse and to speak for my cops. I’ve made it a priority to talk to victims. I’ve seen the escalation over the years, from yelling, to battery, to homicide. When an abuser has a gun, the victims say to me, “Sheriff, is not a question of *if* he’ll use the gun to abuse me; it’s a question of *when*.” And I recognize the value of preventing even one gun from winding up in the hands of an abuser: one gun may translate into one more lives saved. So today, I’m asking you to pass S.1290, which will apply the same rules to all abusers, regardless of whether they are married to their victims or not—and will prohibit convicted stalkers from having guns. And I’m asking you to require criminal background checks for gun sales by unlicensed sellers, and ensure that abusers don’t get a free pass when they buy guns from them—often strangers they meet online, at gun shows, or through classified ads. The bipartisan bill introduced last year by Senators Joe Manchin and Pat Toomey would do just that, and it has already received the support of 55 senators.

I’m asking you today to stand up against abuse by fixing our out-of-date laws and passing this common-sense legislation. Thank you for your time and I look forward to answering your questions.

⁵ New York Daily News, Tyrone Adair, Man wanted in 4 Wisconsin slayings found dead, December 7, 2009.

⁶ Everytown for Gun Safety analysis of FBI Supplementary Homicide Reports and Florida Department of Law Enforcement, 2010, available at: <http://every.tw/1mwoqsA>

⁷ Everytown for Gun Safety analysis of FBI Data, 2001-2011, available at: <http://every.tw/1mwoqsA>