

**Utah Project Safe Neighborhoods Task Force:  
Addressing Domestic Violence to Avert New  
Criminal Efforts (Project ADVANCE)**

**Interim Report  
February 2014**



THE UNIVERSITY OF UTAH

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*Utah Criminal Justice Center*

COLLEGE OF SOCIAL WORK  
COLLEGE OF SOCIAL & BEHAVIORAL SCIENCES  
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ADVANCE)**

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## Executive Summary

### Background and Introduction

Project Safe Neighborhoods (PSN) is a national initiative that distributes funds to state and local governments to facilitate the development of collaborative, problem-solving strategies to reduce gun crime. While local jurisdictions had substantial flexibility in terms of program design, PSN was organized around the following core components: partnerships, strategic planning, training, outreach, and accountability (McGarrell et al., 2009; McGarrell et al., 2013). While PSN efforts have often included domestic violence, the initial projects generally targeted gang-related gun crimes. More recently, in response to research showing the increased risk of homicide for domestic violence victims whose offenders have access to firearms (Campbell, Glass, Sharps, Laughon, & Bloom, 2007), PSN projects have specifically targeted these types of offenders.

### The Current Study

According to the Utah Bureau of Criminal Identification (BCI), the 10-year average homicide rate in Utah was 1.8 deaths per 100,000 inhabitants (Squires & Moffat, 2013) and nearly three-quarters (70%) of homicides of women in Utah, and one-fifth (19%) of homicides of men, are domestic violence-related (Violence and Injury Prevention Program, 2010; UDH, 2013). Overwhelmingly, firearms play a role in these crimes: a gun was the cause of death in the majority (68%) of domestic violence-related homicides in Utah from 2003 through 2008 (UDH, 2013; Violence and Injury Prevention Program, 2010). The current project (Addressing Domestic Violence to Avert New Criminal Efforts (Project ADVANCE)) seeks to address the rate of firearm-related domestic violence incidents by removing guns from domestic violence offenders through a combination of training and outreach efforts. This report provides baseline information on the characteristics of domestic violence cases in four courts in Salt Lake County (Salt Lake District, West Jordan District, Salt Lake City Justice, and West Jordan Justice) in the two years prior to the implementation of the project. The final report will also include data from West Valley City Justice Court. This report also documents the impact of training and outreach efforts and reports on awareness of domestic violence and federal firearms restrictions among criminal justice and domestic violence professionals.

**Domestic violence cases in Utah.** Between 2010 and 2012, a total of 5,738 cases were flagged as domestic violence in the four courts examined for this report. The majority of cases (64%) were handled in Salt Lake District Court and Salt Lake City Justice Court (16%). Most commonly, cases included class B (39%) or class A (41%) misdemeanor charges, with comparatively fewer felonies (19%) and class C misdemeanors (2%). Only 15% of disposed cases were resolved with a finding of guilt (including plea in abeyances) on a felony. In this case, regardless of whether the crimes were classified as domestic violence, the offender would be prohibited from possessing a firearm—by virtue of a felony conviction—under both state and federal law. A small percent (5%) of felony cases were disposed with a finding of not guilty on the felony charge but guilty of a misdemeanor. Under state law, such a conviction would not impact the offenders' right to possess a

firearm. Under federal law, such a conviction may or may not restrict the person from possessing a firearm, depending on the elements of the statute under which the individual was found guilty.

A majority (88%) of domestic violence charges were misdemeanors and the most common charge was for assault (31% of misdemeanor DV charges). Two subsections of the assault statute include, as an element, the use or attempted use of physical force, which is necessary for the conviction to meet federal requirements disqualifying an individual from legally possessing a firearm. The current analysis suggests that, between 2010 and 2012, case dispositions were not consistently recorded in CORIS in a fashion that allows criminal justice professionals (e.g., police, prosecutors, and BCI) to easily identify whether an individual has been convicted of a crime that would disqualify them from possessing a firearm. In fact, of the 961 cases that were disposed with a finding of guilt on the assault charge, only 26 (3%) were recorded in a manner allowing the offender to be easily identified as restricted (or not) with respect to owning a firearm.

### **Training and Outreach Efforts**

During the first year, project staff conducted a total of eight trainings with law enforcement officers and victim advocates. Pre- and post-test surveys were administered to measure knowledge of domestic violence and firearms statutes before and after the trainings. Surveys were conducted with 123 law enforcement officers, 62 victim advocates, and 33 domestic violence treatment providers.

Three-quarters (74%) of law enforcement officers reported receiving previous training on domestic violence and firearms statutes and 34% had received previous training on PSN. On average, officers reported being involved with approximately three PSN cases in their law enforcement career; however, the vast majority (71%) reported never being involved with a PSN case. Following the training, officers showed significant improvements on all six of the knowledge items and officers who did not have prior PSN training showed greater improvement from pre- to post-test relative to those who reported participating in previous PSN training (though both groups improved).

Forty percent of victim advocates reported receiving previous training on domestic violence and firearms statutes and only 10% had been previously trained on PSN. Half of advocates (52%) reported that they inquire about the offender's access to firearms when dealing with a DV victim; however, 18% indicated never or only rarely asking about such access. If the victim indicates the offender has access to firearms, advocates are most likely to notify law enforcement (83%), followed by the prosecutor (36%), "Other" (18%), and the PSN Task Force (7%). Following the training, advocates only showed significant improvements on two of the six knowledge items. Advocates who indicated they were more familiar with domestic violence and firearms issues showed less improvement from pre- to post-test; however, this occurred because the advocates who were more familiar with firearms and domestic violence cases revealed higher pre-test knowledge scores, and, therefore, had less room to improve relative to those who self-reported they were less familiar.

Only 15% of domestic violence treatment providers reported receiving previous training on domestic violence and firearms statutes and even fewer had received training on PSN (3%). Based on survey results, it does not appear that providers in Utah are currently serving as a regular and reliable means for communicating information to offenders regarding federal firearms restrictions. In fact, almost three-fourths of providers reported that they rarely (21%) or infrequently (49%) discuss firearms-related issues with clients.

## **Discussion**

Overall, the results of this report suggest that efforts to remove firearms from domestic violence offenders in Utah are hampered by a lack of coordination between criminal justice and domestic violence professionals regarding local protocols for enforcing federal firearms statutes. As noted earlier, discrepancies between state and federal firearms statutes mean that successful prosecution of offenders who are illegally possessing firearms requires all stakeholders operate under a similar framework for investigating, screening, and referring cases to USAO. To date, Project ADVANCE efforts have successfully increased the knowledge and awareness of the criminal justice and domestic violence communities through training and outreach activities. Based on these preliminary findings, it is recommended that Project ADVANCE staff:

- conduct trainings with additional jurisdictions;
- collaborate with court administrators and prosecutors to improve the recording of convictions to allow for the easy and consistent identification of persons who are disqualified from possessing a firearm under federal statute;
- work with domestic violence organizations to develop a process for screening domestic violence victims to determine offenders' access to firearms; and
- work with domestic violence and law enforcement agencies to develop a formal, consistent process for referring appropriate cases to law enforcement while protecting victim safety.

## **Background and Introduction**

Project Safe Neighborhoods (PSN) is a national initiative developed by the United States Department of Justice (USDJ) in 2001 to reduce the incidence of gun crime. According to the Federal Bureau of Investigation (FBI), more than one million violent crimes were committed in the United States in 2011 (USDJ, FBI, 2012). Of those, the majority (62%) were aggravated assault, followed by robbery (29%), rape (7%), and murder (1%). Firearms were used in 21% of aggravated assaults, 68% of murders, and 41% of robberies. The National Center for Health Statistics estimated that 31,672 persons died as a result of injury from firearms in 2010 (Murphy, Zu, & Kochanek, 2013); 61% of firearm-related deaths were suicides and 35% were the result of homicide.

### **History of PSN**

Project Safe Neighborhoods (PSN) was modeled on previous gun crime reduction programs, including Boston Ceasefire and the Strategic Approaches to Community Safety Initiative (SACSI) (McGarrell, Hipple, Bynum, Perez, Gregory, Kane, et al., 2013; McGarrell, Hipple, Corsaro, Bynum, Perez, Zimmerman, et al., 2009). Boston Ceasefire utilized a method known as “pulling levers” to reduce gang-related homicide, which had been identified as the primary cause of a spike in youth homicide in the 1990s. Pulling levers involved identifying a target issue, based on analysis of data on gun-related crimes, focusing deterrence efforts on those specific “targets” (such as conducting notification meetings with offenders who were identified as “high risk” for committing gun crimes), and responding immediately (using criminal justice interventions or “levers”) when violence occurred. The program was credited with a 63% decrease in monthly youth homicides and a 25% decrease in gun assaults (Braga, Kennedy, Waring, & Piehl, 2001). Subsequent research has questioned these findings because the trend in Boston mirrored a nationwide decrease in crime rates (c.f., Fagan, 2002; Rosenfeld, Fornango, & Baumer, 2005).

The Strategic Approaches to Community Safety Initiative (SACSI), created in 1998 by the Department of Justice, was implemented in ten cities and focused on reducing homicide, youth violence, and firearms violence. Like Ceasefire, SACSI relied on a collaborative problem-solving strategy. One prominent feature of SACSI was the creation of multiagency groups, including a research partner, to plan and implement program strategies (Roehl, Rosenbaum, Costello, Coldren, Schuck, Kunard, et al., 2008). Roehl and colleagues (2008) found that SACSI was associated with a 30-60% reduction in gun assaults and violent crimes. When compared to cities of similar size that did not participate in the program, SACSI cities demonstrated significantly larger reductions in crime rates.

The defining features of SACSI—U.S. Attorney leadership, multiagency partnerships, data-driven strategies, and local research partners—formed the basis of the national PSN initiative (Roehl et al., 2008). PSN distributed funds to state and local governments to facilitate the development of collaborative, problem-solving strategies to reduce gun crime. While local jurisdictions had substantial flexibility in terms of program design, PSN was organized around the following core components: partnerships, strategic planning, training, outreach, and accountability (McGarrell et al., 2009; McGarrell et al., 2013). The



core intervention of PSN was increased prosecution of federal gun possession laws. The process began with the U.S. Attorneys, who developed task forces with state and local agencies and community groups. The threat of federal prosecution itself was thought to work as a deterrent because federal laws carry more severe penalties than most state and local laws. For example, under federal law, possession of a firearm by a restricted person is punishable by up to ten years in prison, with a mandatory minimum of 15 years if the offender has three prior felonies (U.S. Attorney's Office, District of Utah, 2013). Under Utah law, the same offense carries a sentence of one to 15 years in prison (Utah Code, 2004).

Under PSN, state prosecutors and police officers have received training to enhance the quantity and quality of cases referred for prosecution to the U.S. Attorney. When firearms are seized during arrests and searches, the enforcement members of the PSN task force log the weapons and cross reference them. For example, the West Tennessee PSN task force cross referenced seized weapons to search for "prior felonies, related drug or violent crimes, and stolen or otherwise prohibited firearms" (USDOJ, BJA, 2004). Interagency databases have provided a collaborative mechanism for law enforcement to flag new cases for possible referral to the U.S. Attorney. Task forces also included faith-based organizations, schools, neighborhood groups, and service providers. Prevention efforts often used task force members to educate the public about federal gun laws and the consequences of violating them. Services such as neighborhood development, job placement and training, and school-based programs have been used commonly as prevention strategies. Deterrence efforts vary, but may include increased police presence in targeted areas, tailored re-entry programs for chronic violent offenders, and intensive supervision by probation officers.

**Impact of PSN.** Community-wide implementation of deterrence-focused, data-driven, partnership-based initiatives, such as PSN, has been shown to be associated with reductions in violent crime. Ceasefire Chicago included many of the elements of Boston Ceasefire, while also incorporating trained mediators, who were residents of local communities, to detect and interrupt violent incidents. The program (and similar programs in New York and Baltimore) resulted in significantly less gun violence (reductions ranged from 16-56%) in the majority of program sites when compared to rates prior to the intervention (Picard-Fritsche & Cerniglia, 2010; Skogan, Hartnett, Bump, & Dubois, 2009). While other study sites showed mixed results, those discrepancies have been attributed to inconsistencies in program implementation (McGarrell et al., 2013).

The national PSN evaluation showed that eight of the ten cities that were classified as having a "rigorous implementation" program showed reductions in violent crime when compared to crime rates prior to PSN (reduction ranged from 2-42%) (McGarrell et al., 2013). In addition, PSN-target cities (i.e., those cities that fully and rigorously implemented PSN programs) demonstrated statistically significant reductions in gun crimes (9-13%) relative to non-target and low-dosage cities. More recently, PSN-type strategies were incorporated into the national Comprehensive Anti-Gang Initiative (CAGI); these projects showed a 15% reduction in recidivism when compared to cities that did not implement CAGI (McGarrell, Corsaro, Melde, Hipple, Bynum, & Cobbina, 2013).

## Firearms and Domestic Violence

While PSN efforts have often included domestic violence, the initial projects generally targeted gang-related gun crimes. More recently, in response to research showing the increased risk of homicide for domestic violence victims whose offenders have access to firearms (Campbell, Glass, Sharps, Laughon, & Bloom, 2007), PSN projects have specifically targeted these types of offenders. In 2010, the rate of nonfatal intimate partner violence in the U.S. was 3.6 incidents per 1,000 persons (5.9 incidents per 1,000 persons for female victims and 1.1 incidents per 1,000 persons for male victims), with women who were separated from their husband experiencing the highest rates of intimate partner violence (59.6 victimizations per 1,000 persons) (Catalano, 2012). Within the context of domestic violence, firearms are used by perpetrators to threaten and intimidate victims, and to commit homicide or suicide; firearms may also be used by victims in self-defense (Campbell et al., 2007; Sorenson & Wiebe, 2004). Approximately 4% of U.S women have been threatened by an intimate partner with a gun (Tjaden & Thoennes, 2000). A California study found that more than one-third of female domestic violence victims reported that their intimate partner had used a gun against them (Sorenson & Wiebe, 2004). The presence of firearms in a household where domestic violence is occurring is associated with an increased risk that an incident will result in death (Bailey, Kellerman, Somes, Banton, Rivara, & Rushforth, 1997; Campbell, Webster, Koziol-McLain, Block, Campbell, Curry, et al., 2003; Saltzman, Mercy, O'Carroll, Rosenberg, & Rhodes, 1992). In 2008, 45% of female homicide victims were killed by an intimate, most commonly a spouse or ex-spouse (37%), and more than half (51%) of intimate homicides were committed using a firearm (Cooper & Smith, 2011).

In response to high proportion of female homicide victims killed with a gun by a current or former romantic partner, amendments were made to the Gun Control Act (GCA), including provisions of the subsidiary Violent Crime Control and Law Enforcement Act (VCCLEA) and Violence Against Women Act (VAWA), to address domestic violence offenders' access to firearms (Klein, 2006). Under GCA, an individual convicted of a qualifying misdemeanor domestic violence offense (Gun Control Ban, 2005), or placed under a protection order restriction (VCCLEA, 2005), was restricted from shipping, transporting, possessing, or receiving any firearm or ammunition in or affecting commerce (Gun Ban for Individuals Convicted of a Misdemeanor Crime, 2005). This revision meant that individuals convicted of misdemeanor crimes were classified as "restricted" persons with respect to possessing firearms (in a similar category as felons and other restricted persons). As a result, federal prosecutors and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE) were able to charge offenders and remove firearms from the domestic violence environment (USDOJ, ATFE, 2011, 2013).

The addition of domestic violence offenders to the list of persons restricted from possessing a firearm created a division between state and federal law. For some categories of restricted persons—such as persons convicted of a felony—there are corollary state laws restricting gun ownership, which means that cases can be prosecuted in either state or federal courts. In the case of misdemeanor domestic violence, however, there are discrepancies between the state and federal systems with regard to the definition of

domestic violence, and the impact of a conviction on the right to gun ownership (Frattaroli & Vernick, 2006; Frattaroli, 2009). Because the vast majority of misdemeanor domestic violence cases are prosecuted in state courts, enforcement of federal law in states that do not have similar laws requires collaboration between state and federal criminal justice systems in order to remove firearms from domestic violence offenders.

Because PSN initiatives are characterized by leadership from U.S. Attorney's Offices, the program is well-positioned to resolve this gap between state and federal law. Throughout the U.S., PSN programs have applied the following strategies to restricting purchase and possession of firearms by domestic violence offenders: increased prosecution of federal firearm laws related to domestic violence (18 U.S.C. 922(g)(8) and (g)(9)); revised criminal justice system and court procedures to increase congruence with federal firearms statutes; use of research to understand the role of firearms in domestic violence cases; creation of radio and print ads targeting domestic abusers and bystanders; implementation of communication strategies to make domestic violence offenders aware of federal firearms restrictions; and development of partnerships with domestic violence organizations to assist with PSN activities (Haas & Turley, 2007; Klein, 2006).

**Laws restricting DV offenders' access to firearms.** There is limited research examining the specific impact of PSN initiatives on the rates of firearm use or homicide within the context of domestic violence. Recent studies, however, have explored the impact of firearm restrictions on rates of lethal domestic violence, with mixed results. A Canadian study found that general legislation restricting access to firearms (e.g., statutes that do not specifically target domestic violence offenders) had no impact on rates of lethal, firearm-related violence against women (McPhedran, 2013). In the U.S., state laws restricting persons under a domestic violence protective order from possessing a firearm were associated with lower rates of firearm-related intimate partner homicide (Bridges, Tatum, & Kunselman, 2008; Vigdor & Mercy, 2003, 2006; Zeoli & Webster, 2010). Zeoli and Webster (2010) found that state laws restricting firearm access for individuals under domestic violence restraining orders were associated with a 19% reduction in intimate partner homicide and a 25% reduction in firearm-related intimate partner homicide. In contrast, laws restricting misdemeanor domestic violence offenders from possessing firearms were not associated with lower rates of lethal or non-lethal firearm-related intimate partner violence (Bridges et al., 2008; Vigdor & Mercy, 2003, 2006; Zeoli & Webster, 2010).

The impact of laws restricting domestic violence offenders from possessing firearms are difficult to quantify, in part, due to widespread problems with implementation and enforcement (Brandl, 2012; Diviney, Parekh, & Olson, 2009; Moracco, Clark, Espersen, & Bowling, 2006; Seave, 2006; Webster, Frattaroli, Vernick, O'Sullivan, Roehl, & Campbell, 2010; Webster, Vernick, Vittes, McGinty, Teret, & Frattaroli, 2012; Wintemute, Frattaroli, Claire, Vittes, & Webster, 2013). In particular, researchers have noted low conviction and arrest rates for domestic violence, lack of active enforcement by local criminal justice agencies, and the absence of protocols for seizing and/or relinquishing weapons, as factors that may impact the effectiveness of gun restriction laws for reducing incidents of gun-related domestic violence.

## The Current Project

### PSN in Utah

The current project (Addressing Domestic Violence to Avert New Criminal Efforts (Project ADVANCE)), enhances existing PSN efforts in Utah in order to target domestic violence offenders. The District of Utah adopted PSN, along with all other federal districts, in 2001, creating an interagency PSN task force to increase federal firearm prosecutions and to remove dangerous weapons from the community. A 2005 evaluation showed that the project activities were associated with: increased awareness of federal gun laws among the general public and parolees; increased awareness of local enforcement protocols by law enforcement; development of more than 100 new policies and procedures to increase state and federal collaboration for enforcing firearms restrictions; and an increase in weapons seizure and prosecution of persons who were illegally in possession of firearms (Van Vleet, Davis, Hickert, & Byrnes, 2005). Between 2006 and 2008, the Utah PSN Task Force indicted nearly 200 individuals per year (an average of 195 each year) for federal firearms violations, the majority of which were persons restricted from possessing a gun due to a previous felony conviction (Roegner, 2010).

**Firearm-related domestic violence in Utah.** Since its inception, Utah's PSN Task Force has included, but not specifically targeted, domestic violence crimes. For example, of the 143 cases targeting persons restricted from possessing firearms that were referred to the USAO for prosecution in 2009, only nine (5%) were cases where an individual was restricted based on domestic violence (Roegner, 2010). In Utah, however, rates of violent firearm crimes have been driven, in part, by domestic violence. According to the Utah Bureau of Criminal Identification (BCI), the 10-year average homicide rate in Utah was 1.8 deaths per 100,000 inhabitants (Squires & Moffat, 2013). In comparison, the Utah Department of Health (UDH) estimated the average number of domestic violence-related homicides in Utah in 2011 was 1.2 deaths per 100,000 adults (No More Secrets, 2013), with approximately one-third of total homicides classified as domestic violence-related. Nearly three-quarters (70.3%) of homicides of women in Utah, and one-fifth (19.0%) of homicides of men, are domestic violence-related (Violence and Injury Prevention Program, 2010; UDH, 2013). Overwhelmingly, firearms play a role in these crimes: a gun was the cause of death in the majority (67.8%) of domestic violence-related homicides in Utah from 2003 through 2008 (UDH, 2013; Violence and Injury Prevention Program, 2010).

**Discrepancy between state and federal statute.** Project ADVANCE seeks to address the rate of firearm-related domestic violence incidents by removing guns from domestic violence offenders. This can be particularly difficult in Utah, because of discrepancies between state and federal laws. The grant application for Project ADVANCE contends that:

“One of the primary issues hindering local prosecutors' ability to aggressively enforce prohibitions on domestic abusers possessing firearms is the gap between federal and state law that exists in Utah. Under federal law, it is a crime for persons with DV-related restraining orders [Title 18 U.S.C. 922(g)(8)], or with misdemeanor DV convictions [Title 18 U.S.C. 922(g)(9)] to possess a firearm. These statutes enable

the U.S. Attorney's Office (USAO) to prevent DV-related gun violence by removing firearms from volatile homes and prosecuting offenders who unlawfully possess firearms. However, there is no equivalent to these federal statutes in Utah law. As a result, if a DV-related firearm possession case is not referred to USAO, the perpetrator will escape prosecution. This situation severely limits the number of cases that reach court."

As noted above, federal law disqualifies persons from owning a firearm if they are subject to a qualifying protective order, which refers to a court order wherein: 1) the respondent has had the opportunity to appear before the court; 2) the order is between current or former intimate partners, who are related by marriage, share a child in common, or are living together; 3) the court has found the respondent poses a credible threat the safety of the intimate partner or child; and 4) the order restricts the respondent from threatening or using force, harassing or stalking, or otherwise causing fear of bodily injury to the petitioner (ATF, 2013). Federal law also restricts individuals convicted of a misdemeanor crime of domestic violence, so long as the conviction meets all of the following elements: 1) is a misdemeanor under state or federal law; 2) includes the use or attempted use of physical force or threatened use of a deadly weapon; and 3) is committed by a current or former spouse, cohabitant, co-parent, or parent or guardian of the victim (ATF, 2013). The statute only applies to convictions wherein the person was represented by counsel (or knowingly waived the right to counsel) and the case was tried by jury or the person knowingly waived the right to a jury trial (e.g., by guilty plea or otherwise).

In contrast to federal statutes, Utah law does not prohibit misdemeanor domestic violence offenders from possessing firearms or require courts to notify offenders when they become a restricted person as the result of a domestic violence conviction or protective order (Law Center to Prevent Gun Violence (LCPGV), 2012). Utah law does require that law enforcement confiscate firearms and other weapons used in the commission of a domestic violence incident, but does not otherwise require domestic violence offenders to surrender their weapons (Frattaroli, 2009). Utah law permits, but does not require, the court to prohibit individuals from possessing firearms if they are subject to a protective order (LCPVG, 2012). However, research suggests that Utah courts rarely order offenders to surrender their weapons as the result of a protective order (Diviney et al., 2009).

Discrepancies between the federal definition of domestic violence and the range of crimes that comprise cohabitant abuse under Utah law create additional difficulties enforcing federal firearms restrictions. In particular, some of the domestic violence crimes listed under Utah statute do not include an element of physical force and therefore do not meet the requirements of "qualifying misdemeanor crime of domestic violence" as defined by federal statute (Berkovich, 2012). As such, criminal justice professionals (e.g., law enforcement, prosecutors, and the Bureau of Criminal Investigation (BCI)) may have difficulty determining whether or not a misdemeanor domestic violence conviction meets the necessary elements of federal law that would disqualify a person from legally owning a firearm.

***Utah’s Cohabitant Abuse Procedures Act.*** Under Utah code (77-36-1), domestic violence, as codified by the Cohabitant Abuse Procedures Act (CAPA), is defined as:

“any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. Domestic violence also means commission or attempt to commit any of the following offenses by one cohabitant against another: (a) aggravated assault, as described in Section 76-5-103; (b) assault, as described in Section 76-5-102; (c) criminal homicide, as described in Section 76-5-201; (d) harassment, as described in Section 76-5-106; (e) electronic communication harassment, as described in Section 76-9-201; (f) kidnapping, child kidnapping, or aggravated kidnapping, as described in Sections 76-5-301, 76-5-301.1, and 76-5-302; (g) mayhem, as described in Section 76-5-105; (h) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, and Section 76-5b-201, Sexual Exploitation of a Minor; (i) stalking, as described in Section 76-5-106.5; (j) unlawful detention or unlawful detention of a minor, as described in Section 76-5-304; (k) violation of a protective order or ex parte protective order, as described in Section 76-5-108; (l) any offense against property described in Title 76, Chapter 6, Part 1, Property Destruction, Part 2, Burglary and Criminal Trespass, or Part 3, Robbery; (m) possession of a deadly weapon with intent to assault, as described in Section 76-10-507; (n) discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle, as described in Section 76-10-508; (o) disorderly conduct, as defined in Section 76-9-102, if a conviction of disorderly conduct is the result of a plea agreement in which the defendant was originally charged with any of the domestic violence offenses otherwise described in this Subsection (4); or (p) child abuse as described in Section 76-5-109.1.” (Utah Code, 2014).

Given the range of offenses that constitute domestic violence under Utah state law, Berkovich (2012) has identified the importance of recording domestic violence convictions in the state’s Courts Information System (CORIS) such that the element of force against a person and the relationship between the victim and perpetrator is clearly and consistently identifiable. This process would prevent criminal justice professionals from having to review the additional court or police records to determine if a person is disqualified from possessing a firearm.

In terms of defining what types of relationships constitute domestic violence, CAPA is congruent with federal law. Under this statute, “cohabitant” refers to individuals over 15 years of age who live together, are married, or have a child in common. While the statute is inclusive of individuals who are separated—so long as they once lived together, were married, or have a child in common—it excludes dating relationships wherein the parties have never shared a residence. The statute also includes relationships between individuals who are related by blood or marriage but excludes parent-child and sibling relationships when the victim is a minor.

CAPA also allows for the possibility that repeated misdemeanor domestic violence convictions would ultimately disqualify a person from legally possessing a firearm under state law. The statute dictates enhancements for offense and penalty for domestic violence crimes if an individual has repeated convictions (in Utah or any U.S. state or territory). According to statute, a second offense, committed within five years of another domestic violence conviction, will be enhanced by one degree. For example, an individual who commits a class B misdemeanor of domestic violence, within five years of another domestic violence conviction, will be charged with a class A misdemeanor. Through this mechanism, a person who commits, and is found guilty, of repeated domestic violence misdemeanors can be convicted of a felony, at which point they would be restricted from owning a firearm by both state and federal law.

## Study Procedures

Project ADVANCE attempts to increase enforcement of federal domestic violence gun restrictions through a combination of training and outreach efforts targeting: criminal justice and domestic violence professionals; domestic violence offenders; and domestic violence victims. In order to track those efforts, this interim report relies on the following data sources:

**Table 1** Data Sources for Project ADVANCE Interventions and Outcomes

<b>Data Sources</b>
<b>Pre- and Post-test Surveys</b>
Pre- and post-tests surveys administered to law enforcement officers, prosecutors, domestic violence treatment providers, and victim advocates evaluating changes in participants' knowledge regarding federal firearm statutes and domestic violence prior to and after the PSN training.
<b>CORIS – Administrative Office of the Courts</b>
Primary source for court data (e.g., charge type and degree, violation date, disposition, disposition date, and court location) for all Salt Lake District, West Jordan District, Salt Lake City Justice, and West Jordan Justice Court cases with a domestic violence flag during the 2010-2012 timeframe.
<b>XChange – Administrative Office of the Courts</b>
Text documents with court case information that is searchable by name, date of birth, court case number, court location, and/or date. Documents include information such as plea date, sentence date, disposition, judge, bail amount, court attendance, compliance with court orders, and sentence imposed. Records were available for all five courts included in this study (i.e., Salt Lake District, West Jordan District, Salt Lake City Justice, West Valley Justice, and West Jordan Justice).

The current report will provide baseline information on the characteristics of domestic violence cases in four courts in Salt Lake County in the two years prior to the implementation of Project ADVANCE. While the project targets Salt Lake and West Valley cities, the current data looks at Salt Lake District Court, Salt Lake City Justice Court, and West Jordan Justice Court. West Jordan Justice Court was used in order to provide information from a non-targeted city; the final report, however, will include data from West Valley City Justice Court. In addition, the report will provide information documenting awareness among criminal justice and domestic violence professionals regarding domestic violence and federal firearms restrictions. Finally, this report will document the impact of training and outreach efforts conducted under Project ADVANCE.

## Results

### Domestic Violence Cases in CORIS, 2010-2012

Because Utah’s Cohabitant Abuse Procedures Act (CAPA) is inclusive of a range of crimes, domestic violence cases are charged and prosecuted under the relevant statute(s) and flagged as domestic violence (based on the relationship between the victim and perpetrator) within the Courts Information System (CORIS). For the current report, CORIS data were analyzed to identify baseline trends in prosecuting domestic violence cases, with particular attention to the disposition and recording of outcomes that impact: 1) whether or not an offender is restricted with respect to state and federal firearms laws, and 2) whether or not information is recorded in a way that allows criminal justice professionals (e.g., law enforcement, prosecutors, and BCI) to easily and consistently identify an individual as restricted in terms of firearms possession.

In Utah, class B and C misdemeanors are processed in justice courts, while felonies and class A misdemeanors are under the jurisdiction of district courts. Class B and C misdemeanors may also be resolved in district court if they are prosecuted as part of a case that includes a more severe charge. When looking at all cases with a domestic violence flag prosecuted in justice courts (Salt Lake City and West Jordan) and district courts (Salt Lake and West Jordan), there were 5,738 cases from 2010 through 2012. The majority of those cases (63.8%) were handled in Salt Lake District Court and Salt Lake City Justice Court (16.4%). Most commonly, cases included class B (38.6%) or class A (41.4%) misdemeanor charges, with comparatively fewer felonies (17.7% third degree, 1.0% second degree) and class C misdemeanors (1.8%).

When looking only at offenses listed in CAPA, the most commonly charged statutes were assault (76-5-102), domestic violence in the presence of a child (76-5-109.1), and property destruction (76-6, Part 1) (see Table 2).

**Table 2** Domestic Violence Charges, by Statute and Court

Statute	# Charges		
	<i>District Court</i> <sup>1</sup>	<i>Justice Court</i> <sup>2</sup>	<i>TOTAL</i> <sup>3</sup>
Aggravated Assault	0	0	0
Assault	1,768	690	2,458
Criminal Homicide	0	0	0
Harassment	4	2	6
Electronic Communication Harassment	55	33	88
Kidnapping	0	0	0
Mayhem	2	0	2
Sexual Offenses	0	0	0
Stalking	105	1	106
Unlawful Detention	282	95	377
Violation of a Protective Order	1,304	1	1,305
Property Destruction	1,263	444	1,707
Burglary	207	17	224



Statute	# Charges		
Robbery	0	0	0
Possession of Deadly Weapon	0	0	0
Discharge of a Firearm	0	0	0
Disorderly Conduct	80	140	220
DV in Presence of Child	1,474	743	2,217
Sexual Exploitation of a Minor	0	0	0
<b>TOTAL</b>	<b>6,544</b>	<b>2,166</b>	<b>8,710</b>

<sup>1</sup>Includes Salt Lake and West Jordan District Court cases, 2010 through 2012

<sup>2</sup>Includes Salt Lake City and West Jordan Justice Court cases, 2010 through 2012

<sup>3</sup>Total number of charges (8,710) exceeds the total number of cases (5,738) because a single case can include multiple charges.

In comparison, when looking only at district court cases, the most commonly charged statutes were assault, domestic violence in the presence of a child, and violation of a protective order.

**Felony domestic violence charges.** Comparatively few cases (1,022) involved prosecution on a felony charge. Most commonly, felony charges were comprised of the following statutes: domestic violence in the presence of a child (404), violation of a protective order (383), and stalking (69). Table 3 details the number of felony charges, for domestic violence cases, by statute:

**Table 3** Cases with Felony DV Charges, by Statute

Statute	# Cases
Aggravated Assault	0
Assault	61
Criminal Homicide	0
Harassment	1
Electronic Communication Harassment	0
Kidnapping	0
Mayhem	2
Sex Offenses	0
Stalking	69
Unlawful Detention	0
Violation of Protective Order	383
Property Destruction	66
Burglary	36
Robbery	0
Deadly Weapon, Intent to Assault	0
Discharge Firearm	0
Disorderly Conduct	0
DV in Presence of Child	404
Sexual Exploitation of a Minor	0
<b>TOTAL</b>	<b>1,022</b>

Two of the most commonly charged felony statutes (violation of a protective order and stalking) are misdemeanors on a first offense. The fact that the cases listed above were

prosecuted as felonies implies that they involved offenders who have been previously convicted of the same crime. Commission of domestic violence in the presence of a child (76-5-109.1) is a class B misdemeanor unless the incident involves criminal homicide, attempted criminal homicide, serious bodily injury, or use of a dangerous weapon, in which case it is a third degree felony.

Table 4 shows the disposition of cases that included prosecution on felony charges (of those that had been disposed as of April, 2013). In some cases, individuals were charged with multiple counts and were found not guilty on the felony charge but guilty on the misdemeanor charge (see Table 4). In the case of domestic violence, this can mean the difference between an offender being disqualified from possessing a firearm or not. For the sake of simplicity, statutes under which no cases were prosecuted or disposed have been removed from the table.

**Table 4** Disposition of DV Cases with Felony Charges

Statute	Guilty				Not Guilty <sup>1</sup>	Other <sup>2</sup>	Total <sup>3</sup>	
	Felony		Misdemeanor				Cases	Dispositions
	Guilty	PIA	Guilty	PIA				
Assault	9	1	1	0	37	13	61	61
Mayhem	0	0	0	0	2	0	2	2
Harassment	0	0	0	0	0	1	1	1
Stalking	17	0	1	0	24	28	69	70
PO Violation	99	4	19	1	227	79	383	429
Property	7	0	0	0	40	21	66	68
Robbery	3	0	1	0	21	11	36	36
DV/Child	23	1	34	2	276	82	404	418
<b>TOTAL</b>	<b>158</b>	<b>6</b>	<b>56</b>	<b>3</b>	<b>627</b>	<b>235</b>	<b>1,022</b>	<b>1,085</b>

<sup>1</sup>Not Guilty excludes cases where the offender was found not guilty of a felony but was found guilty of a misdemeanor (under the same statute, but refers to two separate charges).

<sup>2</sup>Other includes cases that were not yet disposed at the time the data were pulled or were disposed due to remand, diversion, extradition, transfer, etc.

<sup>3</sup>In some cases, row totals can sum to more than the number of felony cases in the total column (reported in Table 1). This occurs because data are aggregated by case. If a case had multiple counts of the same charge, only one count is reported. If one count was found guilty, and another was not guilty for the same person, this could result in one case contributing to a total in more than one outcome (column), occasionally yielding higher dispositional counts than total charge counts (which are aggregated by case).

Only 15.1% of disposed cases were resolved with a finding of guilt (including plea in abeyances (PIA)) on a felony. In this case, regardless of whether the crimes were classified as domestic violence, the offender would be prohibited from possessing a firearm—by virtue of a felony conviction—under both state and federal law. A small percent (5.4%) of felony cases were disposed with a finding of not guilty on the felony charge but guilty of a misdemeanor. Under state law, such a conviction would not impact the offenders’ right to possess a firearm. Under federal law, such a conviction may or may not restrict the person from possessing a firearm, depending on the elements of the statute under which the individual was found guilty. For the dispositions above, violation of a protective order (5.2% of cases) and domestic violence in the presence of a child (9.0% of cases) were the

felony charges most commonly disposed as a misdemeanor; neither is likely to meet the elements of federal statute that would disqualify an offender from possessing a firearm.

**Misdemeanor domestic violence charges.** The majority (88.3%) of domestic violence charges were for misdemeanor crimes. The most common misdemeanor charges were assault (2,397), domestic violence in the presence of a child (1,813), and property destruction (1,262). Domestic violence in the presence of a child is a class B misdemeanor if it involves circumstances that do not rise to the level of criminal homicide (including attempted), serious bodily injury, or use of a dangerous weapon. For all cases flagged as domestic violence, Table 5 details the number of misdemeanor charges within each statute. For the sake of simplicity, statutes under which no cases were charged have been removed from the table.

**Table 5** Misdemeanor DV Charges, by Statute

<b>Statute</b>	<b># Charges</b>
Assault	2,397
Harassment	5
Electronic Communication Harassment	88
Stalking	37
Unlawful Detention	377
Violation of a Protective Order	922
Property Destruction	1,641
Burglary	188
Disorderly Conduct	220
DV in the Presence of a Child	1,813
<b>TOTAL</b>	<b>7,688</b>

The data confirms previous findings that the primary statute under which domestic violence cases are charged in Utah is misdemeanor assault (Squires & Moffat, 2013). Two subsections of this statute include, as an element, the use or attempted use of physical force, which is necessary for the conviction to meet federal requirements disqualifying an individual from legally possessing a firearm. As the most common misdemeanor domestic violence charge, and one which includes an element of force, this statute is the primary misdemeanor charge with the potential to restrict an individual from possessing a firearm. Persons convicted under this code are disqualified from owning a firearm, however, only if convicted under subsection (a), which is “an attempt, with unlawful force or violence, to do bodily injury to another” or (c), which is “an act, committed with unlawful force or violence, that causes bodily injury to another or created a substantial risk of bodily injury to another,” (Utah Code, 2012, 77-36-1). In contrast, subsection (b), which is “a threat, accompanied by a show of immediate force or violence, to do bodily injury,” (Utah Code, 2012, 77-36-1) would not disqualify the person (Berkovich, 2012; Wysopal, 2012). Similarly, convictions under 76-5-102(1), without further specification, may or may not restrict a person; accurate determination of whether a person was restricted or not would require further investigation, such as reviewing the court docket or police report.

**Disposition and recording of assault charges.** For the years 2010-2012, in the queried jurisdictions, almost 2,500 cases included a prosecution under the assault statute, the vast majority of which (97.5%) were misdemeanor charges. Table 6 describes how those cases were disposed and how the disposition was recorded in CORIS:

**Table 6** Disposition of DV Cases with Assault Charges, as Recorded in CORIS<sup>1</sup>

Statute	# Cases	Disposition		
		Guilty	Not Guilty	Other <sup>2</sup>
<i>(as recorded in CORIS)</i>				
76-5-102 or 76-5-102(1)	2,411	935	1,019	455
76-5-102(1)(a)	0	0	0	0
76-5-102(1)(b)	10	6	2	2
76-5-102(1)(c)	33	20	10	3

<sup>1</sup>Row totals can sum to more than the number of cases in the total column. This occurs because data are aggregated by case. If a case had multiple counts of the same charge (or subset of charges), only one count is reported. If one count was found guilty, and another was not guilty for the same person, this could result in one case contributing to a total in more than one outcome (column), occasionally yielding higher dispositional counts than total charge counts (which are aggregated by case).

<sup>2</sup>Other includes cases that were not yet disposed at the time the data were pulled or were disposed due to remand, diversion, extradition, or transfer.

The current analysis suggests that, between 2010 and 2012, case dispositions were not consistently recorded in CORIS in a fashion that allows criminal justice professionals (e.g., police, prosecutors, and BCI) to easily identify whether an individual has been convicted of a crime that would disqualify them from possessing a firearm. The majority of guilty convictions under the assault statute were recorded in CORIS without reference to subsection (see Table 6). Of the 961 cases that were disposed with a finding of guilt on the assault charge, only 26 (2.7%) were recorded in a manner allowing the offender to be easily identified as restricted (or not) with respect to owning a firearm. A cursory examination of the court docket confirms this analysis: the research team reviewed ten cases (five in district court and five in justice court) with a guilty finding on 76-5-102 (no subsection specified). Of those ten cases, none recorded the disposition in a manner that specified the subsection under which the offender was found guilty. For five of the cases, the charging documents listed all three subsections (a, b, and c) but did not specifically identify which one(s) with which the offender was being charged. In all of the district court cases, the charging documents did provide a detailed description of the incident, including acts of physical violence. The final report will include a more thorough review of court dockets, for a larger sample of cases.

### Training and Outreach Efforts

During the first year, project staff conducted trainings with law enforcement, prosecutors, and victim advocates, to increase relevant professionals' knowledge and skills for screening and referring appropriate cases to the U. S. Attorney's Office. To date, project staff has conducted eight trainings, which were coordinated through the West Valley City Prosecutor's Office, the Statewide Advocate Victim Organization (SWAVO), and the Salt Lake Family Justice Center.

**Law enforcement training.** PSN has conducted six training sessions for law enforcement and criminal justice staff. These training sessions were organized through the West Valley City Prosecutor’s Office and targeted knowledge of federal firearms statutes, ability to screen domestic violence cases for offenders’ access to firearms, and familiarity with referral processes to PSN and the U.S. Attorney’s Office. Pre- and post-tests were administered before and after all trainings. One hundred twenty three (123) law enforcement officers completed the PSN survey. Officers completed items rating their own: 1) familiarity with the PSN related issues, 2) preparedness and knowledge regarding PSN, and 3) personal demographic factors. Personal/demographic factors included number of years as a law enforcement officer, number of PSN cases with which the officer was involved, number of PSN cases involving domestic violence, and number of PSN cases involving a protective order. Officers also completed a test that directly assessed their knowledge about PSN with seven true/false items (though one item was dropped from analyses after it was determined that it contained wording that may have equivocated the item’s intent). Items were completed both before and after a training session about PSN.

Table 7 provides the response frequencies for the survey’s categorical demographics items, and Table 8 provides descriptive statistics for the continuous-scale items. The majority of officers (65.6%) did not have previous PSN training, but the majority (73.8%) did indicate prior training on domestic violence and firearms statutes. Five officers did not complete each of these categorical items.

**Table 7** Response Frequencies for Categorical Demographic Items

Item	Response	n	%
Have you received previous training on PSN?	No	80	65.6
	Yes	37	30.3
	Did not respond (missing)	5	4.1
Have you received previous training on domestic violence and federal firearms statutes?	No	27	22.1
	Yes	90	73.8
	Did not respond (missing)	5	4.1

Table 8 indicates the average number of years an officer had been in law enforcement. The minimum number was one year, while the maximum was 30 (not shown in table). On average (and by self-report), officers had been involved with just under three PSN cases. However, the vast majority (71.3%, not in table) indicated having been involved with no PSN cases. The average number of domestic violence-related PSN cases that officers have been involved with was less than one (0.7) per officer, and the average number of protective order-related PSN cases per officer was 0.3. These numbers are calculated based on all respondents, and do not reflect the average number of cases among only those officers who had worked on PSN cases.

**Table 8** Descriptive statistics for continuous demographic items

<b>Item</b>	<b>n</b>	<b>Mean</b>	<b>Std. Dev.</b>
How long have you been a law enforcement officer in years?	114	11.3	7.13
How many PSN cases have you been involved with?	122	2.8	8.64
How many of those cases involved domestic violence?	122	0.7	1.96
How many of those cases involved a protective order?	122	0.3	1.15

Table 9 provides descriptive statistics for Likert-scale items rating respondents' familiarity with PSN issues on a 1-5 scale (where one indicates "not at all familiar" and five indicates "very familiar"). The values are divided into pre- and post-test; however, it is important to note that a different number of officers responded to the pre- and post-tests. Five officers who completed pre-tests did not complete post-tests, and two officers who completed post-tests did not complete pre-tests. Also, not all items were responded to by all officers.

Significance tests were conducted comparing pre- to post-test change. For all tables in which significance testing was used, an asterisk (\*) denotes a significant difference from pre-to post-test. A significant results indicates that the outcome would be expected to occur by chance alone (i.e., the difference from pre- to post-test was not a meaningful difference) only 1 in 20 times (or 5% of the time). Although a significant effect could indicate a decline or an improvement on the outcome, all significant results in this report are in the favorable direction. Significance tests eliminate cases that did not have a matching pre- and post-test response, but all cases are presented in the tables for purposes of describing the entire sample.

Table 9 shows that all familiarity items revealed significant pre-to post-test improvement, typically by one point on the response scale. While the average pre-test response was just under three for all items (corresponding to a rating of "familiar"), the average post-test response for all items was four or just under four, indicating a value between "familiar" and "very familiar."

**Table 9** Descriptive statistics for PSN familiarity items

Item	Pre-test			Post-test		
	<i>n</i>	<i>Mean</i>	<i>SD</i>	<i>n</i>	<i>Mean</i>	<i>SD</i>
<i>Familiarity with:</i>						
The purpose of the Utah Project Safe Neighborhoods (PSN) Task Force*	120	2.7	1.17	116	3.9	0.90
The use of PSN to prosecute persons who are unlawfully in possession of a firearm due to being a restricted person under federal firearms statutes.*	118	2.9	1.27	116	4.0	0.91
The use of PSN to prosecute persons who are unlawfully in possession of a firearm due to a misdemeanor conviction of domestic violence.*	119	2.7	1.17	116	3.9	0.91
The use of PSN to prosecute persons who are unlawfully in possession of a firearm due to a protective order.*	119	2.7	1.16	116	3.9	0.91
The process for seizing a firearm at a crime scene, pursuant to federal firearm statutes.*	120	2.9	1.10	113	3.9	0.92
*Denotes a significant difference between pre- and post-test means						

Table 10 shows descriptive statistics for the items assessing preparedness and knowledge regarding PSN on a Likert-scale ranging from one (“Strongly Disagree”) to five (“Strongly Agree”). The same caveats regarding unmatched cases and missing responses outlined for Table 9 also apply to Table 10. Table 10 shows a similar pattern of significantly improved knowledge and preparedness as was observed for familiarity items in Table 9. All items in Table 10 showed significant improvement. At post-test, only the item regarding search warrants fell below a value of four (which corresponds to a rating of “somewhat agree”).

**Table 10** Descriptive statistics for PSN preparedness and knowledge items

Item	Pre-test			Post-test		
	<i>n</i>	<i>Mean</i>	<i>SD</i>	<i>n</i>	<i>Mean</i>	<i>SD</i>
<i>I know. . .</i>						
When to refer a case to the PSN Task Force.*	120	3.2	1.21	113	4.3	0.81
When I can lawfully seize a firearm at a domestic violence crime scene.*	118	3.7	1.00	113	4.3	0.72
Who to call if have questions about seizing a firearm at a crime scene.*	119	3.9	1.03	113	4.5	0.66
<i>I feel prepared to...</i>						
Prepare and refer a case to the PSN Task Force.*	119	3.0	1.19	114	4.1	0.85
Conduct search warrants according to PSN guidelines.*	120	2.5	1.19	112	3.7	1.08
*Denotes a significant difference between pre- and post-test means						

Table 11 shows the frequency of correct responses out of all respondents for each of the six items for the knowledge test. As previously mentioned, the knowledge test originally contained seven items, but one item was removed when it was determined by research staff that the phrasing of the question made the question’s intent unclear. Significance tests

eliminate cases that did not have a matching pre- and post-test response, but all cases are presented in the table for purposes of describing the entire sample. As seen in Table 11, most items showed significant improvement in terms of the percentage of officers answering the statement correctly. The fourth item, however, revealed no change, and the sixth (last) item actually showed a small (but non-significant) decline in the percentage of officers responding correctly at post-test relative to pre-test.

**Table 11** Response frequencies and total sample sizes for categorical demographic items

Item	Pre-test		Post-test	
	<i>n</i>	% correct	<i>n</i>	% correct
Any conviction on an offense designated by Utah state statute as a domestic violence offense causes the offender to be a restricted person under federal firearms law. (false)*	117	43.6	115	78.3
A person convicted of a domestic violence offense consisting of non-physical force under Utah’s domestic violence statutes is lawfully entitled to purchase a firearm. (true)*	114	55.3	114	87.0
Persons who are restricted from lawfully possessing a firearm due to the presence of a protective order cannot possess a firearm even after the order expires. (false)*	114	74.6	113	88.6
Persons who are restricted from lawfully possessing a firearm due to a qualifying misdemeanor conviction of domestic violence can possess a firearm five years after the conviction. (false)	112	79.5	113	79.6
Law enforcement can seize a firearm when responding to a domestic violence incident, even if the weapon was not used in the crime, so long as one of the occupants of the residence gives permission. (true)*	115	80.0	114	91.2
Law enforcement can only seize a firearm when responding to a domestic violence incident if there is a court order. (false)	115	94.8	114	88.6

\*Denotes a significant difference between pre- and post-test % correct

An additional analysis examined a model of pre- to post-test change on the PSN knowledge test (comprised of six items) with previous statutory training, previous PSN training, years as an officer, number of prior PSN cases, and time (which measures an effect of training from pre to post) as predictors of knowledge change. The score on the PSN knowledge test (the dependent variable in the model) was created by summing the number of correct responses to the six knowledge items. If an officer skipped an item, it was treated as an



incorrect response (this methodology differs from that in Table 11 above; frequencies in Table 11 did not count missing items as incorrect).

The analysis included 107 officers for whom there were no missing data on the predictor variables (i.e., officers who did not skip items, which is a requirement of the statistical test). One person's data was removed because he or she represented a statistical outlier in terms of number of prior PSN cases, and was not representative of the general population from which the sample was drawn and for whom the program was intended.

**Table 12** Descriptive statistics: Interaction between time & prior PSN training

Time	Have you received prior training on PSN?	Mean	SD
Pre-test	No	4.1	1.69
	Yes	4.7	3.47
Post-test	No	4.8	1.45
	Yes	5.1	2.98

Outcomes from the model are quite complicated to interpret, thus only the significant findings are addressed in the text that follows and in Table 12. Only two significant effects on knowledge change were found (when controlling for years as an officer and number of PSN cases): a main effect for time and a significant interaction between time and prior PSN training. Because of the finding of a significant interaction, the main effect finding does not warrant interpretation. Table 6 shows the results explaining the significant interaction between time and prior PSN training. Those who did not have prior PSN training showed greater improvement from pre- to post-test relative to those who had previous PSN training (though both groups improved). This finding indicates that the additional PSN training is more beneficial for those who had no prior training on PSN.

**Domestic violence advocates training.** Project ADVANCE staff have developed curriculum and initiated training and information sessions with domestic violence victim advocates and treatment providers, both of which are new relationships for the PSN project. Project staff conducted two trainings with victim advocates and administered pre- and post-tests during both trainings. Pre-tests were also administered to treatment providers during the annual Utah Association for Domestic Violence Treatment (UADVT) conference, in order to identify baseline knowledge and develop a training curriculum for this group. In the upcoming year, the team plans training sessions for domestic violence treatment providers, wherein pre- and post-tests will be administered. The research partner attends all project meetings to document changes in practices, policies, and relationships.

To date, PSN has conducted two training sessions for domestic violence advocates. These training sessions targeted advocates' knowledge of federal firearms statutes, ability to screen victims for offenders' access to firearms, and familiarity with referral processes to PSN and the U.S. Attorney's Office. Pre- and post-tests were administered before and after both trainings. Sixty two (62) domestic violence advocates completed the survey. Advocates completed items rating their own: 1) familiarity with PSN-related issues, 2) preparedness to deal with PSN cases, 3) assessment of how they handled past domestic

violence cases, and 4) personal demographic factors. Personal/demographic factors included affiliate agency, prior PSN training, and prior training on domestic violence and firearms. Advocates also completed a test that directly assessed their knowledge about PSN with seven true/false items (one item was subsequently dropped from analyses after it was determined its wording may have equivocated the item’s intent).

Table 13 provides the response frequencies for the survey’s categorical demographics items, and Table 14 provides frequencies for the items assessing how advocates have dealt with prior domestic violence cases. These items were assessed at pre-test (prior to training) only. The majority (80.6%) of advocates was trained at a conference organized by the Statewide Advocate Victim Organization (SWAVO); the other training was for a single non-profit agency. Advocates worked in a variety of agency settings, most commonly law enforcement (38.7%) or a non-profit organization (37.1%). Only ten percent had received prior PSN training, and less than half (40.3%) had prior training on domestic violence and firearms.

**Table 13** Response frequencies for demographic items

Item	Response	n	%
Location of training	SWAVO	50	80.6
	SLC-based non-profit	12	19.4
Affiliate agency	Prosecutor’s office	10	16.1
	Law enforcement	24	38.7
	Non-profit	23	37.1
	Other	3	4.8
	Missing	2	3.2
Have you received previous training on PSN?	No	56	90.3
	Yes	3	4.8
	Missing	3	4.8
Have you received previous training on domestic violence and federal firearms statutes?	No	34	54.8
	Yes	25	40.3
	Missing	3	4.8

Table 14 indicates that half of advocates (51.6%) inquire about the offender’s access to firearms when dealing with a DV victim; however, 17.8% indicated never or only rarely asking about such access. If the victim indicates the offender has access to firearms, advocates are most likely to notify law enforcement (82.8%), followed by the prosecutor (36.2%), “Other” (17.7%), and the PSN Task Force (6.9%). Note that these outcomes are not mutually exclusive; that is, advocates can notify more than one agency/person. Though not shown, the “Other” category included notifying the court/judge, a supervisor, or a mobile crisis unit. Three advocates indicated they did not know who to notify if an offender was illegally in possession of a firearm. The item did not include a “not-applicable” option when, for example, they had not asked about access to firearms (n=6; see Table 14) or had not worked on a case where access was a concern. It may be the case that a small number of advocates responded to the item hypothetically, indicating who they would contact if the circumstance was applicable.

**Table 14** Response frequencies and sample sizes for screening and referral items

Item	Response	n	%
When you are working with a domestic violence victim, how often do you ask about the offender's access to firearms?	Never	6	9.7
	Rarely (less than 10% of victims)	5	8.1
	Occasionally (between 10-25% of victims)	8	12.9
	Sometimes (25-75% of victims)	8	12.9
	Usually (more than 75% of victims)	32	51.6
	Missing	3	4.8
If a domestic violence victim tells you that the offender has access to firearms AND has previous domestic violence convictions, who do you notify?	Law enforcement	48	82.8
	Prosecutor	21	36.2
	PSN Task Force	4	6.9
	Other	11	17.7

Table 15 provides descriptive statistics for Likert-scale items rating familiarity with domestic violence and firearms-related issues on a 1-5 scale (where one indicates “not at all familiar” and five indicates “very familiar”). The values are divided into pre- and post-test; however, it is important to note that a different number of advocates responded at pre- and post-test. Two advocates who completed pre-tests did not complete post-tests. Significance tests eliminate cases that did not have a matching pre- and post-test response, but all cases are presented here for purposes of describing the entire sample. Table 15 shows that all familiarity items revealed significant pre-to post-test improvement; the last two items showed relatively dramatic improvement, but were also the items with the most room for improvement given lower pre-test scores. While all pre-test responses were less than 4.0 on average, all post-test items were greater than or equal to 4.0.

**Table 15** Descriptive statistics for PSN familiarity items

Item	Pre-test			Post-test		
	<i>n</i>	<i>Mean</i>	<i>SD</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>
The impact of a having domestic violence conviction on an offender's right to possess firearms.*	62	3.6	1.33	60	4.4	0.75
The impact of a having a protective order on an offender's right to possess firearms.*	62	3.9	1.20	60	4.5	0.72
The use of PSN to prosecute persons who are unlawfully in possession of a firearm due to a misdemeanor conviction of domestic violence.*	62	2.2	1.28	60	4.0	1.16
The use of PSN to prosecute persons who are unlawfully in possession of a firearm due to a protective order.*	62	2.1	1.30	60	4.1	1.15

\*Denotes a significant difference between pre- and post-test means

Table 16 shows descriptive statistics for the items assessing preparedness when dealing with firearms and domestic violence cases. Items are completed on a Likert-scale ranging from one (“Strongly Disagree”) to five (“Strongly Agree”). The same caveat regarding unmatched cases outlined for Table 15 applies to Table 16. Also note that, for these items, not all advocates responded to all items. Table 4 shows that self-assessed preparedness was quite high at pre-test, but also showed significant improvement by post-test for all items. All items were rated an average of 4.6 or greater (on the five-point scale) at post-test. The item assessing preparedness to ask a domestic violence victim about an offender’s access to firearms revealed particularly high self-assessed preparedness at both pre- and post-test.

**Table 16** Descriptive statistics for PSN preparedness and knowledge items

Item	Pre-test			Post-test		
	<i>n</i>	Mean	SD	<i>n</i>	Mean	SD
<i>I feel prepared to . . .</i>						
Ask a domestic violence victim about an offender’s access to firearms.*	62	4.6	0.97	60	4.8	0.54
Notify the appropriate entities if a victim tells me that the offender has access to firearms.*	62	4.1	1.16	60	4.7	0.60
Answer victim’s questions about the impact of getting an order of protection on an offender’s right to possess firearms.*	61	3.9	1.23	60	4.6	0.59

\*Denotes a significant difference between pre- and post-test means

Table 17 shows the frequency of correct responses for all respondents on each of the six items for the knowledge test. As previously mentioned, the knowledge test originally contained seven items, but one item was removed when it was determined by research staff that the phrasing of the question made the question’s intent unclear. Significance tests eliminate cases that did not have a matching pre- and post-test response, but all cases are presented in the table for purposes of describing the entire sample. Table 17 demonstrates that advocates improved from pre- to post-test on most knowledge items in terms of the percentage of advocates answering the statement correctly, but that improvement was only significant for items two and four. The fifth item revealed a non-significant decline in accuracy. Item six was particularly difficult for advocates at both pre- and post-test. Less than half of advocates answered the question correctly at pre-test, and less than two-thirds responded accurately at post-test.

**Table 17** Response frequencies for categorical demographic items

Item	Pre-test		Post-test	
	<i>n</i>	% Correct	<i>n</i>	% Correct
Federal firearms restrictions only apply to individuals who have been convicted of felony crimes. (false)	60	78.3	55	80.0
Federal firearms restrictions apply to all firearms, including hunting rifles. (true)*	62	79.0	59	94.9
Federal firearms restrictions only apply to firearms that have been used in criminal activity. (false)	62	87.1	59	96.6
Persons who are restricted from lawfully possessing a firearm due to a qualifying misdemeanor conviction of domestic violence can possess a firearm five years after the conviction. (false)*	55	45.5	55	70.9
Persons subject to an expired protected order are prohibited from owning firearms. (false)	59	91.5	57	77.2
Persons are only restricted from owning firearms if the qualifying domestic violence conviction occurred AFTER the passage of the 1994 Gun Control Act. (false)	57	42.1	56	58.9

\*Denotes a significant difference between pre- and post-test % correct

An additional analysis examined a model of pre- to post-test change on the PSN knowledge test (comprised of six items) with previous domestic violence and firearms training, level of self-assessed familiarity with domestic violence and firearms-related cases, level of self-assessed preparedness in dealing with domestic violence and firearms cases, and time (which measures an effect of training: pre to post) as predictors of knowledge change. The score on the PSN knowledge test (the dependent variable in the model) was created by summing the number of correct responses to the six knowledge items. If an advocate skipped an item, it was treated as an incorrect response (this methodology differs from that in Table 17 above; frequencies in Table 17 did not count missing items as incorrect).

The analysis included 55 advocates for whom there were no missing data on the predictor variables (i.e., advocates who did not skip items; a requirement of the statistical test). Outcomes from the model are quite complicated to interpret, thus only the significant and key findings are addressed in the text that follows.

Only one significant effect on knowledge change was found (when controlling for pre-existing level of self-assessed familiarity with domestic violence and firearms-related cases and level of self-assessed preparedness in dealing with domestic violence and firearms cases). The effect indicated a significant interaction between time and self-assessed familiarity. Specifically, advocates who indicated they were more familiar with domestic violence and firearms issues showed less improvement from pre- to post-test; however, this occurred because the advocates who were more familiar with firearms and domestic violence cases revealed higher pre-test knowledge scores, and, therefore, had less room to improve relative to those who self-reported as less familiar.

Interestingly, there was no main effect for time, which indicates that knowledge did not improve from pre- to post-test, or as a result of the training alone. The average post-test score ( $M=4.5$ ,  $S.D.=2.46$ ) was not significantly higher than the average pre-test score ( $M=3.5$ ,  $S.D.=2.37$ ). This may seem surprising because the mean difference is a full one-point; however, the standard deviations of the scores must also be considered. In this case, the standard deviations are quite large, indicating that there is a great deal of variability in pre-test and post-test scores (variability which can be explained by factors other than training alone). The interaction between familiarity and time noted above partially explains this variability (individuals who were more familiar had less room to improve, accounting for some of the variability in knowledge), but other unknown factors must also explain the variability, and these factors are more important to determining the knowledge change score than is the training itself.

**PSN awareness by domestic violence treatment providers.** As mentioned previously, PSN initiatives have commonly used offender notification strategies as one method for reducing firearm-related violence. Utah law ((7-36-5(5)) requires that individuals convicted of domestic violence complete treatment in a program that is licensed by the Department of Human Services (DHS). As such, treatment providers, who are in a position to have contact with the majority of convicted offenders, serve as one means for providing information to a targeted group of domestic violence offenders. Training and professional development for domestic violence treatment providers, who are licensed by the Utah Department of Human Services (DHS), is coordinated through the Utah Association for Domestic Violence Treatment (UADVT). Treatment providers were surveyed during the UADVT 2013 Annual Conference, in order to provide baseline information on knowledge and current notification practices of these providers with respect to federal firearms restrictions.

Thirty three (33) providers completed the survey. Respondents completed items rating their own: 1) familiarity with PSN and its impact on domestic violence offenders, 2) preparedness to answer questions about federal firearms restrictions, and 3) personal demographic factors. Personal/demographic factors included prior training on PSN, prior training on domestic violence and federal firearms statutes, and years of experience working as a domestic violence treatment provider. Respondents also completed a seven-item, true/false test assessing their knowledge about PSN (one item was subsequently dropped from analyses after it was determined that it contained wording that may have equivocated the item's intent).

**Table 18** Response frequencies for categorical demographic items

<b>Item</b>	<b>Response</b>	<b>n</b>	<b>%</b>
Have you received previous training on PSN?	No	32	97.0
	Yes	1	3.0
	Did not respond (missing)	--	--
Have you received previous training on domestic violence and federal firearms statutes?	No	28	84.8
	Yes	5	15.2
	Did not respond (missing)	--	--

Item	Response	n	%
How long have you been working as a domestic violence treatment provider?	< 1year	2	6.1
	1-5 years	16	48.5
	+5 years	13	39.4
	Did not respond (missing)	2	6.0

Table 18 provides response frequencies for the survey’s categorical demographic items. Almost no respondents (97.0%) had ever been trained on PSN and a majority (84.8%) had no prior training on domestic violence and firearms statutes. Almost half (48.5%) of respondents had worked with domestic violence offenders for 1-5 years, and more than one-third (39.4%) had more than five years of experience as a treatment provider. Survey results demonstrated that treatment providers are not currently functioning as a source of notification for offenders regarding federal firearms restrictions: almost three-fourths of providers reported that they rarely (21.2%) or infrequently (48.5%) discuss firearms-related issues with clients (not shown in table). One-third (36.4%) of providers noted that many offenders had already received some notification of firearms restrictions prior to their first counseling session; nearly as many providers, however, were unsure how many offenders had received prior notification. These results confirm the finding that providers are not currently serving as a consistent source of information for domestic violence offenders with respect to federal firearms restrictions.

While providers do not appear to have regular discussions with offenders regarding federal firearms restrictions, nearly half of providers indicated that they felt prepared to answer questions regarding the impact of misdemeanor domestic violence convictions (42.4%) and protective orders (45.5%) on the right to possess firearms (see Table 19).

**Table 19** Descriptive statistics for PSN preparedness items

Item	n	Disagree (1-2)	Unsure (3)	Agree (4-5)
<i>I feel prepared to:</i>				
Answer offenders’ questions about the impact of having a domestic violence conviction on the right to possess firearms.	33	36.4	21.2	42.4
Answer offenders’ questions about the impact of having a protective order on the right to possess firearms.	33	33.3	21.2	45.5

Table 20 provides descriptive statistics for Likert-scale items rating familiarity with PSN issues on a 1-5 scale (where one indicates “not at all familiar” and five indicates “very familiar”). The results show that almost half of providers were familiar with the impact of a domestic violence conviction (45.5%) or a protective order (48.5%) on an offender’s right to possess firearms. Analysis of qualitative comments from the survey forms indicated that providers who were familiar with federal firearms laws and domestic violence had gained that knowledge informally, from working with offenders, rather than from formal trainings. When compared to the number of providers who expressed general knowledge regarding

domestic violence and firearms, far fewer providers indicated that they were familiar with PSN as a means for removing guns from domestic violence offenders. This finding suggests that many providers have a generalized knowledge of federal firearms laws, but limited familiarity with local law enforcement systems (e.g., the PSN Task Force) for enforcing those laws.

**Table 20** Descriptive statistics for PSN familiarity items

<b>Item</b>		<b>Not Familiar</b>	<b>Somewhat Familiar</b>	<b>Familiar</b>
<i>Familiarity with:</i>	<i>n</i>	<i>(1-2)</i>	<i>3</i>	<i>(4-5)</i>
The impact of having a domestic violence conviction on an offender’s right to possess firearms.	33	30.3	24.2	45.5
The impact of having a protective order on an offender’s right to possess firearms.	33	27.3	24.2	48.5
The use of PSN to prosecute persons who are unlawfully in possession of a firearm due to a misdemeanor conviction of domestic violence.	33	69.7	18.2	12.1
The use of PSN to prosecute persons who are unlawfully in possession of a firearm due to a protective order.	33	72.7	18.2	9.1

Table 21 shows the frequency of correct responses for each of the six items for the knowledge test. As previously mentioned, the knowledge test originally contained seven items, but one item was removed when it was determined by research staff that the phrasing of the question made the question’s intent unclear. The majority of providers answered most of the questions correctly, with the exception of the fourth question (regarding the length of time, after a qualifying conviction, that an individual is restricted from possessing firearms). In addition, more than one-third of providers did not accurately identify the types of crimes for which an individual may be restricted from possessing firearms.

**Table 21** Response frequencies for categorical knowledge items

<b>Item (true/false)</b>	<b>n</b>	<b>% Correct</b>
Federal firearms restrictions only apply to individuals who have been convicted of felony. (false)	32	65.6
Federal firearms restrictions apply to all firearms, including hunting rifles. (false)	33	84.8
Federal firearms restrictions only apply to firearms that have been used in criminal activity. (false)	32	90.6
Persons who are restricted from lawfully possessing a firearm due to a qualifying misdemeanor conviction of domestic violence can possess a firearm five years after the conviction. (false)	32	43.8



Item (true/false)	n	% Correct
Persons subject to an expired protective order are prohibited from owning firearms. (false)	31	80.6
Persons are only restricted from owning firearms if the qualifying domestic violence conviction occurred AFTER the passage of the 1994 Gun Control Act. (false)	31	58.1

These results suggest that domestic violence treatment providers in Utah are not currently serving as a regular and reliable means for communicating information to offenders regarding federal firearms restrictions. Furthermore, providers are not currently receiving any formalized training regarding the intersection of federal firearms laws, domestic violence, and local law enforcement processes for responding to offenders who are illegally in possession of a firearm.

Utah Department of Human Services (DHS) statute charges individuals who provide domestic violence services (including offender services) with notifying the court of “those factors [which] may exacerbate an individual’s potential for violence.” Given that the presence of guns increases the chances that a domestic incident will result in serious injury or death (Campbell et al., 2008), familiarity with federal firearms restrictions, and local processes for responding to violations, is imperative for treatment providers to fulfill this mandate. Currently, DHS requires that domestic violence treatment providers participate in 24 hours of specialized training within two years of beginning to treat offenders. In addition, providers must participate in 16 hours of specialized training annually so long as they are providing domestic violence treatment services. Efforts to restrict domestic violence offenders from illegally possessing firearms may be enhanced by the inclusion of a module on federal firearms restrictions within this training.

## Discussion

Overall, the results of this report suggest that efforts to remove firearms from domestic violence offenders in Utah are hampered by a lack of coordination between criminal justice and domestic violence professionals regarding local protocols for enforcing federal firearms statutes. As noted earlier, discrepancies between state and federal firearms statutes mean that successful prosecution of offenders who are illegally possessing firearms requires all stakeholders operate under a similar framework for investigating, screening, and referring cases to USAO. To date, Project ADVANCE efforts have successfully increased the knowledge and awareness of the criminal justice and domestic violence communities through training and outreach activities.

The following recommendations are based on the previous analysis (some of these recommendations are already planned, per the grant application and ongoing conversations between members of the PSN Task Force).

## Recommendations

- Provide follow-up training to law enforcement in West Valley City, to reinforce previous training and address areas wherein participants still evidenced some confusion (e.g., which cases are subject to the jurisdiction of GCA).
- Provide training to Salt Lake City law enforcement and prosecutors.
- Collaborate with the Utah Department of Human Services, the Utah Domestic Violence Council, and the Utah Association for Domestic Violence Treatment to develop and implement training on federal firearms restrictions for domestic violence treatment providers. Ideally, this training would be institutionalized as an ongoing component of mandatory DHS training.
- Collaborate with court administrators and city and state prosecutors to develop a standardized process for recording convictions—across courts—in a fashion that allows criminal justice professionals to easily and consistently identify whether a person is disqualified from possessing a firearm under federal statute.
- Work with domestic violence treatment providers to develop systems to formalize notification to domestic violence offenders of federal firearms restrictions.
- Work with domestic violence organizations to develop systems to formalize advocates' screening of domestic violence victims for offenders' access to firearms.
- Work with domestic violence and law enforcement agencies to develop a formal, consistent process for referring appropriate cases to law enforcement while protecting victim safety.

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