

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

**Year Two Report
January 2015**



THE UNIVERSITY OF UTAH

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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 2013 (USDJ, FBI, 2014). Of those, the majority (62%) were aggravated assault, followed by robbery (30%), rape (7%), and murder (1%). Firearms were used in 22% of aggravated assaults, 69% of murders, and 40% 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).

The Bureau of Justice Statistics estimates that, over the past decade, 3% of nonfatal violent victimizations by an intimate partner involved a firearm (Truman & Morgan, 2014). 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 (USDJ, 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.

PSN initiatives are characterized by leadership from U.S. Attorney's Offices; as such, 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. When looking at the 102 cases targeting persons restricted from possessing firearms that were screened by the PSN Task Force for prosecution in 2012, 12 (12%) were cases where an individual was restricted based on domestic violence (another 7 cases were noted by prosecutors to involve persons known to have domestic violence charges or convictions, but were referred due to non-domestic violence related charges). Only three cases involved persons restricted only because of domestic violence (misdemeanor domestic violence conviction or subject to protective order). In Utah, 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 to 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. As noted by Berkovich (2014), this problem was made especially complicated as the result of a 2011 ruling by the U.S. Supreme Court:

In Utah, before the now-controlling decision in *United States v. Hays*, every state-law domestic violence offense committed by one federally defined intimate partner against another rendered the offender a disqualified/restricted person. (p. 6)

In the wake of the *Hays* ruling, some of the domestic violence crimes listed under Utah statute do not render an offender a restricted person because they 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, 2014). Even within a single statute, some subsections may meet the force element while others do not. Another implication of *Hays* is that:

Where an offender is convicted of violating an assault or other statute for conduct against his or her intimate partner, and where the statute has at least one subsection that does not contain a force element, and where that conviction is recorded by a court without specificity as to which subsection was violated, that conviction will not render the offender a disqualified/restricted person. (p. 8)

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).

A felony conviction on any of the offenses listed above (whether or not the conviction was related to domestic violence) would result in an individual being restricted from legally possessing firearms under both state and federal law. Of the specific offenses listed in CAPA, the following have the potential to render an individual restricted from gun ownership at the misdemeanor level, but only if the conviction is specific to certain subsections of the statute: assault; unlawful detention; damage to or interruption of a communication device; and disorderly conduct (Berkovich, 2014). Given discrepancies between state and federal 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

Data Sources
Surveys
Surveys administered to domestic violence treatment providers evaluating participants' knowledge regarding federal firearm statutes and domestic violence.
CORIS – Administrative Office of the Courts
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. Also includes date issued, status, service date, and order type for all protective orders.
XChange – Administrative Office of the Courts
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).
United States Attorney's Office
Text documents pertaining to all cases screened, indicted, resolved by plea deal, and convicted by the PSN Task Force. Documents include information such as: screening, indictment, and plea date; disposition; charges; and sentence imposed.

The current report will examine changes in processing of domestic violence in four courts in Salt Lake County in the two years prior to and during Project ADVANCE. While Project ADVANCE was initially funded for two years, it was extended for a third year due to the loss of the Salt Lake City prosecutor's office as a grant partner. In the following analyses, when examining pre and post PSN changes in domestic violence case processing, Salt Lake City now serves as a comparison to West Valley City, where many of the project activities were conducted. As such, the current data looks at four courts in the Third District (Salt Lake City District Court, West Jordan City District Court, Salt Lake City Justice Court, and West Valley City Justice Court). The report also provides descriptive information on protective orders and cases screened and prosecuted by the PSN Task Force during Project ADVANCE.

The second part of this report will examine changes in 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

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 pre and post PSN 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; 2) time to conviction on assault charges, which are the primary statute under which defendants are rendered restricted; and 3) 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. For the following analyses, all cases with a domestic violence flag that were processed in the aforementioned courts during the 22 months before and during PSN were requested from the Administrative Office of the Courts.

Table 2 shows the total number of charges filed in domestic violence-flagged cases during relevant timeframes and the average number of charges per case. Figures presented in Table 2 reflect all charges on a case given that the case was flagged as domestic violence within CORIS. As such, the charges include those identified by statute (77-36-1) as domestic violence as well as other charges, which could be of any nature (e.g., traffic, DUI, drug, or other person or property crimes). In the two district courts, more charges were filed related to domestic violence-flagged cases pre to post PSN (not all charges are domestic violence specific, but were part of a case flagged as DV). When looking at the average number of charges filed per case, there were slightly more than two charges filed per case in both the pre and post PSN period in every court except Salt Lake City Justice Court. This finding is relevant because many cases are comprised of a range of charges, some of which restrict firearm possession while others do not. The presence of multiple charges, some of which restrict firearm possession, creates greater opportunity for the court to selectively plead down or dismiss charges with the conscious intent that the individual be restricted (or not) as a consequence.

Table 2: Total Number of Charges and Charges Per Case for DV-Flagged Cases by Court and 22-Month Time Period (Pre and Post Implementation)

Outcome	SL District		WJ District		SL Justice		WV Justice		Total	
	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
Total Charges	7,247	7,837	1,254	1,543	3,124	2,829	2,940	2,848	14,565	15,057
Charges Per Case (Mn)	2.36	2.39	2.31	2.33	1.82	1.62	2.17	2.42	2.18	2.21

Table 3 (on page 12) shows the type of charges filed in dv-flagged cases overall and by court. All charges identified by CAPA are listed separately; other person charges that are not domestic violence statute specific and any other charge of any nature are also shown in the table. Within time period and court (i.e., any column in the table), the percentages add to 100% (within rounding), reflecting the overall pattern of charges by court and time. Empty cells indicate no cases of the specific type occurred in the court for the given time period.

Patterns in the district courts revealed a largely stable trend of types of charges pre and post PSN. In both Salt Lake and West Jordan District Courts, domestic violence in the presence of a child was the most common charge type, followed by similar levels (ranging from approximately 12-16% of all cases) for assault, aggravated assault, violation of a protective order, and property offenses. Similar frequencies (11.7-14.0%) were observed for “any other charge” type, which aggregates across charges not specified in CAPA in the offense categories of property, drug, public order, weapons, DUI, obstruction of justice, obstruction of law enforcement, escape and not otherwise specified charge types. Other types of charges were relatively infrequent, representing less than 3.0% of district court cases by time period.

Unlike the patterns observed in the district courts, patterns in the justice courts were dissimilar from one another and for the pre to post PSN period. The most common charge across time periods and the two courts were, as with the district courts, domestic violence in the presence of a child. Within the Salt Lake Justice Court, assaults (no further designation) rose from representing 13.9% of charges on DV cases in the pre PSN period to 31.6% post. The opposite pattern was observed for West Valley Justice Court cases, wherein this type of assault charge declined from 18.3% of cases pre PSN to only 10.1% post PSN.

In the West Valley Justice Court, assault with an attempt to cause bodily harm and assault involving use of unlawful force both increased by approximately 7% from the period pre to post PSN, and represented 12.2% and 17.3%, respectively, of all charges on DV cases post PSN for this court. Interestingly, these charges were rare irrespective of time period in the Salt Lake Justice Court, representing a maximum of 0.1% (bodily harm) and 0.5% (unlawful force) of all cases at any given time.

Recall that assault with no further designation would not render a defendant restricted while attempt to cause bodily harm and use of unlawful force would. In conjunction with the decline in the percentage of cases being filed as assaults (no further designation) in the West Valley Justice Court, the observed increase in the percentage of specific assault charge types may indicate that charges previously filed as assaults (no further designation) were more likely to be filed as specific assault types (bodily harm and unlawful force) post PSN. Alternatively, the differential pattern might reflect a shift in the type of cases rather than a shift in their classification.

Examined overall (“Total”), despite fluctuations by court and time period, little change occurred on average in the types of charges being filed. Slight increases were observed in the percentage of assault (no further designation) charges, assaults with an attempt to cause bodily harm, assaults including the use of unlawful force, and property offenses, while slight declines were observed for other person charges and charges of any other type.

Table 3: Percentage^a of Charge Types for DV-flagged Cases by Court and 22-Month Time Period (Pre and Post Implementation)

Statute	SL District		WJ District		SL Justice		WV Justice		Total	
	Pre (7,247)	Post (7,837)	Pre (1,254)	Post (1,543)	Pre (3,124)	Post (2,829)	Pre (2,940)	Post (2,848)	Pre (14,565)	Post (15,057)
Assault – no further designation (76-5-102)	13.5%	13.0%	13.6%	12.4%	13.9%	31.6%	18.3%	10.1%	14.6%	15.9%
Assault – attempt bodily harm (76-5-102.1A)	1.4%	2.4%	0.1%			0.1%	5.6%	12.2%	1.8%	3.6%
Assault – show of force (76-5-102.1B)	0.1%	0.1%	0.1%		0.0%	0.1%	0.1%	0.3%	0.1%	0.1%
Assault – unlawful force (76-5-102.1C)	0.1%	0.2%		0.1%	0.5%	0.5%	10.6%	17.3%	2.3%	3.5%
Aggravated Assault (76-5-103)	11.2%	11.2%	13.5%	14.5%					6.7%	7.3%
Mayhem (76-5-105)	0.0%	0.0%							0.0%	0.0%
Harassment (76-5-106)	0.0%	0.0%							0.0%	0.0%
Stalking (76-5-106.5)	0.8%	1.1%	0.5%	1.1%					0.5%	0.7%
Violation of Protective Order (76-5-108)	14.3%	13.3%	16.4%	13.4%			0.1%		8.5%	8.3%
DV in Presence of Child (76-5-109.1)	20.7%	20.9%	20.3%	20.0%	28.2%	29.9%	29.3%	24.9%	24.0%	23.2%
Criminal Homicide (76-5-201)										
Kidnapping (76-5-301, 76-5-301.1, 76-5-302)	0.9%	0.7%	0.6%	0.5%					0.5%	0.4%
Unlawful Detention of a Minor (76-5-304)	2.2%	2.0%	1.6%	2.5%	2.2%	1.2%	2.6%	2.4%	2.2%	2.0%
Sexual Offenses (76-5-401 to 76-5-406, 76-5b-201)	0.3%	0.4%	0.2%				0.0%		0.2%	0.2%
Property Offenses (76-6 Parts 1, 2, and 3)	14.9%	13.7%	15.2%	14.5%	8.4%	15.9%	14.5%	16.3%	13.5%	14.7%
Disorderly Conduct (76-9-102)	0.8%	0.5%	0.8%	0.8%	2.7%	4.1%	4.3%	3.9%	1.9%	1.8%
Electronic Communication Harassment (76-9-201)	0.6%	0.8%	0.6%	0.5%	0.1%	0.4%	0.5%	0.3%	0.5%	0.6%
Possession of a Deadly Weapon (76-10-507)	0.0%	0.0%	0.1%	0.1%					0.0%	0.0%
Discharge of a Firearm (76-10-508)	0.0%	0.2%	0.1%	0.1%					0.0%	0.1%
Other Person Charges (any other not listed above)	6.2%	6.4%	4.9%	5.8%	24.1%	7.3%	5.1%	2.3%	9.7%	5.7%
Any Other Charge ^b	12.0%	13.3%	11.7%	14.0%	19.7%	8.8%	8.9%	9.8%	13.0%	11.9%

^a Due to rounding, frequencies showing as 0.0% actually contain 5 or fewer total cases; only cells without a percentage shown have 0 cases.

^b The any other charge category includes non-restricting charges in offense categories of property, drug, public order, weapons, DUI, obstruction of justice, obstruction of law enforcement, escape and otherwise not specified charge types.

Time to Disposition. Table 4 provides the elapsed time (in days) between the filing of a charge and its disposition for charges on which a defendant was found guilty. This information is presented because it represents a time of potential vulnerability for the victim. The perpetrator is not restricted, at this time, from possessing a firearm although he or she may be concerned that the pending case will affect that right. The PSN intervention would not be expected to alter timelines to disposition; however, changes in the length of time could impact victim safety.

Significance tests were conducted comparing pre to post PSN change on the time between case filing and disposition by court. Courts are not compared to one another. Significant differences from pre to post are noted with an asterisk only in the pre column for each row. A significant difference corresponds to a probability of less than .05, and indicates that only 1-in-20 times would one expect to encounter the observed outcome if it were not, in fact, a truly significant difference from pre to post PSN.

Only charge types from Table 3 that represented 1.0% of cases or greater (in any time period) are presented in Table 4, as only outcomes occurring with sufficient frequency are suitable for significance testing (outcomes occurring less frequently would fail to detect pre to post PSN changes due to a lack of power, irrespective of whether a truly significant difference existed in the population). The “Any CAPA Charge” row, however, includes all of the individual statutes from Table 3, and the “Any Charge” row provides charges of any type filed in these DV cases.

Some rows in the table are marked with “ISF”, which indicates that insufficient cases were available for analysis within a specific court. The “ISF” designation merely indicates the respective analysis was not performed within a court; however, cases from the “ISF” subgroups are included in the analysis presented in the “Total” column of the corresponding row.

As one interprets the outcomes in the table, it is important to keep in mind that individual charges are often part of a larger set of charges comprising a case. Accordingly, time to disposition of any one charge is inexorably connected to the time to disposition of the set of charges comprising the case as a whole. These data do not address that dependency.

Universally, the pattern of time to disposition of cases resulting in a guilty verdict was shorter in the period post PSN. Even in instances where the difference did not reach statistical significance within any one court, the pattern indicated a trend toward fewer days to a guilty disposition, and the overall analysis collapsed across courts was significant for every outcome. Recall that PSN would not be expected to impact these timelines; this information is provided as contextual information to highlight the length of time between commission of a restricting offense and the conviction that actually renders the person restricted.

Table 4: Length of Time Between Case Filing and Disposition (Days) for Guilty Verdicts on DV-flagged Cases by Court and 22-Month Time Period (Pre and Post Implementation)

Outcome	SL District		WJ District		SL Justice		WV Justice		Total	
	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
Assault – no further designation (76-5-102)	136*	94	99*	53	291*	97	99*	57	138*	85
Assault – attempt bodily harm (76-5-102.1A)	113	72	ISF	ISF	ISF	ISF	136	107	122*	81
Assault – unlawful force (76-5-102.1C)	ISF	ISF	ISF	ISF	ISF	ISF	177*	59	179*	61
Aggravated Assault (76-5-103)	164*	96	118*	75	ISF	ISF	ISF	ISF	152*	90
Violation of Protective Order (76-5-108)	130*	84	91	68	ISF	ISF	ISF	ISF	122*	80
DV in Presence of Child (76-5-109.1)	129	93	141	106	271	172	150	102	154*	106
Unlawful Detention of a Minor (76-5-304)	119	98	ISF	ISF	ISF	ISF	124	66	119	86
Property Offenses (76-6 Parts 1, 2, and 3)	119*	97	125*	63	253*	123	125*	73	132*	88
Disorderly Conduct (76-9-102)	241*	99	ISF	ISF	305*	115	159*	64	202*	87
Any CAPA Charge ^a	138*	92	108*	71	274*	111	127*	69	142*	85
Any Charge	138*	88	114*	70	255*	108	128*	69	150*	84

^a Includes all statutes from Table 3, including those that were not presented here due to relative infrequency of occurrence; does not include the categories “Other Person Charges” or “Any Other Charge”.

Felony charges disposed as misdemeanors. Table 5 examines changes in the patterns of charges filed as felonies and disposed as misdemeanors by court and time period as well as overall (“Total”). The first row under each statute provides the number of felonies filed under that statute (by court and time period), while the second row provides the percentage of those felonies that were disposed as misdemeanors. The two justice courts are excluded from this table due to district courts’ jurisdiction over felony charges.

Significance tests were conducted comparing pre to post PSN change on the percentage of felony cases disposed as misdemeanors by court. Courts are not compared to one another. Significant differences from pre to post are noted with an asterisk only in the pre column for each row labeled “Disposed as Mis”.

As with the previous table, only charges from Table 3 that occurred with sufficient frequency to be able to detect pre to post PSN changes are provided separately in Table 5; however, as seen in the table, some charges within a court were only charged as misdemeanors, and so lacked cases for an analysis examining felony to misdemeanor reductions. The “Any CAPA Charge” row, however, includes all of the individual statutes from Table 3, and the “Any Charge” row provides charges of any type filed in these DV cases.

Table 5 shows that, both pre and post PSN, almost two-thirds of CAPA or any felony charges in dv-flagged cases (see “Any CAPA charge” and “Any Charge” in the “Total” column) were disposed as misdemeanors. Recall that under state law, any felony conviction would disqualify an individual from gun possession, so the difference between a felony and a misdemeanor conviction signifies a difference in terms of whether or not an individual would become a restricted person as a result of the conviction. In contrast, only misdemeanors that meet the elements of the federal statute would disqualify an individual from gun ownership. In Utah, assault is the primary misdemeanor charge that would potentially disqualify an individual from gun ownership. While relatively few assault charges are filed as felonies (less than 5% of non-aggravated assault charges are filed as felonies), well over 90% of felony assault charges are disposed as misdemeanors.

Table 5: Percentage of Felony to Misdemeanor Reduction at Disposition for DV-Flagged Cases by Court and 22-Month Time Period (Pre and Post Implementation)

Outcome		SL District		WJ District		Total	
		Pre	Post	Pre	Post	Pre	Post
Assault – no further designation (76-5-102)	Felonies (n) Disposed as Mis.	55 92.7%	48 97.9%	14 92.9%	14 92.9%	69 92.8%	62 96.8%
Assault – attempt bodily harm (76-5-102.1A)	Felonies (n) Disposed as Mis.			1 100.0%		1 100.0%	
Assault – unlawful force (76-5-102.1C)	Felonies (n) Disposed as Mis.		2 100.0%		1 100.0%		3 100.0%
Aggravated Assault (76-5-103)	Felonies (n) Disposed as Mis.	222 54.1%	163 52.8%	76 64.5%	91 60.4%	298 56.7%	254 55.5%
Violation of Protective Order (76-5-108)	Felonies (n) Disposed as Mis.	141 63.1%	85 71.8%	35 68.6	38 71.0%	176 64.2%	123 71.5%
DV in Presence of Child (76-5-109.1)	Felonies (n) Disposed as Mis.	53 71.7%	37 67.6%	11 63.6%*	27 92.6%	64 70.3%	64 78.1%
Unlawful Detention of a Minor (76-5-304)	Felonies (n) Disposed as Mis.	3 100.0%		1 100.0%	1 100.0%	4 100.0%	1 100.0%
Property Offenses (76-6 Parts 1, 2, and 3)	Felonies (n) Disposed as Mis.	45 53.3%	43 39.5%	23 78.3%*	21 42.9%	68 57.4%*	64 40.6%
Disorderly Conduct (76-9-102)	Felonies (n) Disposed as Mis.	3 100.0%		1 100.0%	1 100.0%	4 100.0%	1 100.0%
Any CAPA Charge ^a	Felonies (n) Disposed as Mis.	554 60.8%	408 60.5%	170 68.8%	200 67.0%	724 62.7%	608 62.7%
Any Charge	Felonies (n) Disposed as Mis.	653 61.1%	496 60.5%	191 67.0%	237 65.8%	844 62.4%	733 62.2%

Note: Empty cells indicate no felony cases (prosecuted or disposed) existed for comparison.

^a Includes all statutes from Table 3, including those that were not presented here due to relative infrequency of occurrence; does not include the categories “Other Person Charges” or “Any Other Charge”.

One of the more commonly charged felony statutes (violation of a protective order) is a misdemeanor on a first offense. The fact that the cases listed above were prosecuted as felonies implies that these cases involved offenders who had been previously convicted of violating a protective order. Similarly, 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.

Misdemeanor assault charges. Table 6 examines the frequency with which misdemeanor assault charges (non-aggravated) were coded with the specificity necessary to determine whether the charge could result in a firearm restriction. The frequency of A, B, and C designations attached to Utah Criminal Code Title 76, Chapter 5, Part 1, Section 102 were examined relative to the frequency of assault charges coded only under the more general code 76-5-102. Within any specific charge (row), court and time period, the percentages across the four codes (any one column) add to 100%.

Significance tests were conducted comparing pre to post PSN change in the percentage of assault types recorded. To the extent that subtypes were recorded more often post PSN, one would expect a decline in the percentage of assaults coded only as 76-5-102, and an increase in the percentage of codes containing subtypes. Significant differences from pre to post are noted with an asterisk only in the pre column for each row.

In the Salt Lake District Court, there was a significant decrease in the percentage of assault cases coded without further designation post PSN, and a significant increase in the percentage coded with subtype “A,” or an attempt to cause bodily harm.

No changes in the recording of assaults were observed in the West Jordan District Court from pre to post PSN. The West Jordan District Court handled notably fewer assault cases than other courts, and those cases were overwhelmingly coded as assaults without further designation of a subtype (in both the pre and post PSN period).

The Salt Lake Justice Court revealed a small but significant decline in the percentage of cases designated as “C”. It is also notable that the number of assault cases more than doubled (from 452 to 915) over the time period, but little change was seen in the way those assaults were recorded.

The West Valley Justice Court revealed the most change in the percentage of assault charges recorded with subtypes. While over half of assault charges were recorded without further designation in the pre PSN period, only one-fourth were recorded without a subtype post PSN. The percentage of charges coded with an “A” designation nearly doubled from pre to post PSN, and the percentage with a “C” designation increased by almost 50%. Given that the bulk of the PSN intervention was conducted within the jurisdiction of the WVC Justice Court, this finding suggests that training and outreach can impact the specificity with which cases are filed and recorded.

Table 6: Percentage of Assault (76-5-102) and Subtypes for DV-Flagged Cases by Court and 22-Month Time Period (Pre and Post Implementation)

Assault Code	SL District		WJ District		SL Justice		WV Justice		Total	
	Pre (1,095)	Post (1,223)	Pre (172)	Post (194)	Pre (452)	Post (915)	Pre (1,019)	Post (1,138)	Pre (2,738)	Post (3,470)
76-5-102	89.4%*	83.2%	98.8%	99.0%	96.2%	97.8%	52.9%*	25.2%	77.5%*	68.9%
76-5-102.1A	9.2%*	15.1%	0.6%	0.0%	0.0%	0.4%	16.3%*	30.6%	9.8%*	15.5%
76-5-102.1B	0.7%	0.5%	0.6%	0.0%	0.2%	0.3%	0.2%	0.8%	0.4%	0.5%
76-5-102.1C	0.6%	1.1%	0.0%	1.0%	3.5%*	1.4%	30.6%*	43.4%	12.2%*	15.1%

Disposition of DV assault charges by court. As noted earlier, conviction on a misdemeanor assault is the primary charge that restricts domestic violence offenders from legally possessing a firearm. Table 7 provides a court-based comparison of outcomes presented above for the primary domestic violence charges coded as 76-5-102; this analysis combines the general code with all codes including the A, B, or C designation. Three outcomes are presented in the table, and significance tests compare courts at the post PSN period only in an effort to examine whether there are court based differences in the handling of assault cases. Outcomes for case disposition are divided into those that were guilty, those in which a Plea in Abeyance (PIA) was received, and those for which the finding was dismissed or not guilty (NG)¹. Within any specific charge (row), court and time period, the percentages across guilty, PIA and dismissed/not guilty verdicts add to 100% (of disposed cases). While percentages are presented in the table, significance tests were conducted only on the categorical disposition variable coded on a 0 to 2 scale, with 0 corresponding to not guilty/dismissed, a value of 1 corresponding to a PIA, and a value of 2 corresponding to guilty.

Significance tests (the last two rows of the disposition heading) were conducted using multinomial regression, which yields outcomes in terms of odds ratios. The procedure requires a reference category for both the independent, predictor variable (i.e., court) and the dependent, outcome variable (i.e., disposition). The largest group (in terms of cases) is typically used as the reference category; however, in this case, the West Valley Justice Court is used as the reference group because it was the location implementing the most PSN associated changes. Odds ratios refer to the odds of being guilty or receiving a PIA relative to being found not guilty; odds ratios above one indicate a significantly increased likelihood of being guilty or receiving a PIA in the West Valley Justice Court relative to the court being compared, while odds ratios below one indicate a decreased probability. Odds ratios are not presented for the reference group because that test is redundant (all other groups are compared against the reference group).

Odds ratios for the disposition outcome indicated that cases in both the Salt Lake and West Jordan District Courts were significantly more likely (by a factor of 1.76 and 1.75, respectively) to receive guilty verdicts (see “Odds ratio (Guilty)” column) on assault charges relative to the West Valley Justice Court in the post PSN period. Salt Lake Justice Court cases were not significantly different from the West Valley Justice Court cases in terms of likelihood of receiving a guilty verdict on assault charges. Salt Lake District Court

¹ It should be noted that dispositional outcomes (see Table 7) could not be examined for pre to post changes (as other outcomes in the table were in previous sections of the report) because of recording differences for the outcomes that made the pre PSN period non-comparable to the post PSN period. In court data, pleas in abeyance are changed to dismissed/not guilty if the individual complies with the conditions of the plea. If the person does not comply, PIAs are changed to guilty outcomes. However, because PIAs are more likely to be completed for older cases, court records make PIAs appear more common in the post PSN period. Guilty and not guilty/dismissed outcomes are also artificially lower in the post PSN period because PIAs are less likely to be completed; these cases will eventually be recategorized according to the outcomes of the PIA. Though there are still open PIAs in the pre PSN period (not tabled), there are notably fewer of them relative to the post period. These remaining open cases have likely been extended, or records have not yet been updated to reflect the status of PIAs. Because of these differences, pre to post differences on these dispositional outcomes are non-comparable.

cases were significantly less likely to receive a PIA on assault charges relative to the West Valley Justice Court, while Salt Lake Justice Court cases were significantly more likely to receive a PIA. West Jordan District Court Cases did not differ from the West Valley Justice Court cases in terms of likelihood of receiving a PIA on assault charges. Recall that a PIA would not restrict an individual from gun ownership unless (and until) the defendant failed to meet the terms of the PIA agreement and the disposition was recorded as guilty. As such, the defendant would not be restricted from owning a firearm so long as the disposition was recorded as PIA.

Table 7: Court-Based Analysis of Assault Statute Dispositional Outcomes for DV-Flagged Cases in the Post PSN Period

Dispositional Outcome	SL District	WJ District	SL Justice	WV Justice
Disposition				
Guilty	38.0%	37.5%	20.5%	25.2%
PIA	4.9%	6.0%	16.0%	8.3%
Dis/NG	57.1%	56.5%	63.5%	66.5%
Odds ratio (Guilty)	1.759*	1.752*	0.853	
Odd Ratio (PIA)	0.687*	0.845	2.029*	
Days to disposition	85 _a	74 _{a,c}	153 _b	66 _c
% Felonies disposed as misdemeanors	66.2%	83.3%		

Time to case resolution for misdemeanor assault charges. Court based differences in the number of days from case filing to disposition on assault charges were examined using analysis of variance (ANOVA) and implemented a Sidak correction for multiple comparisons (Table 7). Courts that are statistically equivalent to one another are denoted in the table by a common subscript, while those that differ significantly from one another lack a common subscript. Salt Lake Justice Court cases revealed the longest time between filing and disposition in the post PSN period, and took significantly longer than the other three courts to reach disposition on assault charges. However, this outcome should be interpreted in light of the fact that PIAs were most likely within this court, and the notably longer time to case disposition may actually reflect the time required to meet or fail the terms of the PIA agreements. Salt Lake District Court cases took significantly longer to reach disposition than West Valley Justice Court cases, but did not differ from West Jordan District Court Cases. West Jordan District Court Cases also did not differ from West Jordan Justice Court Cases on time to disposition of assault charges in the post PSN period.

The percentage of felony cases disposed as misdemeanors could only be compared for the two district courts, as these are the only courts with jurisdiction over felony cases. Though more felony cases were disposed as misdemeanors in the West Jordan District Court, the percentage did not differ significantly from the Salt Lake District Court. Only 18 total felony assault cases existed in the West Jordan District Court during the post PSN period, reducing the ability to determine whether a meaningful significant difference exists in the population.

Protective Orders

As noted earlier, federal law also restricts individuals subject to a qualifying protective order from possessing a firearm. The following elements must be present for an order to meet federal requirements:

1. The order is issued by a criminal or civil court.
2. The order was issued subsequent to a hearing wherein the defendant/respondent received notice and had an opportunity to participate.
3. The order involves a petitioner/plaintiff who is an intimate partner of the respondent/defendant (i.e., spouse, former spouse, current or prior cohabitant, or child in common).
4. The order restrains future contact with the intimate partner.
5. The order includes a finding that the respondent is a credible threat to the physical safety of the intimate partner.

CAPA identifies several types of protective orders, both criminal and civil, that provisionally meet the elements of a qualifying order, as described below²:

Criminal protective orders.

Pretrial protective order. When a defendant is charged with a crime involving domestic violence, the court may, during any court hearing where the defendant is present, issue a pretrial protective order pending trial. The request for such an order comes from the victim or prosecutor and the order is dismissed when the case is settled (through dismissal, conviction and sentencing, or acquittal)³.

Sentencing protective order. If a defendant is found guilty of a crime involving domestic violence, the judge may issue a sentencing protective order, which restricts the defendant's contact with the victim. This type of order lasts for the duration of the court's jurisdiction over the defendant and is a separate written document rather than a condition of probation⁴.

Pretrial and sentencing protective orders are issued within the context of a criminal case. By statute, neither specifically restricts firearm possession, although both potentially meet federal guidelines for a qualifying order. The time active for both is dependent on the court (e.g., until the case is settled, for the pretrial order, or until the probation term ends, for the sentencing order).

² Given the focus of this project, other types of domestic violence orders are not included in this discussion, either because they do not meet the federal elements of a qualifying order or are outside of the scope of Project ADVANCE (e.g., ex parte/temporary, jail release, child, dating violence, and stalking orders).

³ In 2013/2014, pretrial orders were issued against 235 defendants in West Valley City Justice Court, 30 defendants in Salt Lake City Justice Court, 330 defendants in West Jordan District Court, and 1,452 defendants in Salt Lake District Court.

⁴ In 2013/2014, sentencing protective orders were issued against 47 defendants in West Valley City Justice Court, 8 defendants in Salt Lake City Justice Court, 7 defendants in West Jordan District Court, and 72 defendants in Salt Lake District Court.

Civil protective orders.

Protective order. Any cohabitant (as defined by CAPA) who has been subject to abuse or domestic violence, or to whom there is a substantial likelihood of abuse or domestic violence, may seek a protective order from the court. Unlike the pretrial and sentencing protective orders, the victim (petitioner) applies for this type of order.

When an individual (petitioner) applies for a civil protective order, state law allows the court to immediately issue a temporary order upon a judge's review of the application; this process happens without input from the respondent (cohabitant of the petitioner, against whom the order is requested). The temporary order does not go into effect until the respondent has been officially served. The court will also schedule a hearing, of which the respondent is notified, to determine whether to issue a civil protective order. The temporary orders, which are *ex parte*, do not meet federal requirements restricting firearm possession, although state law allows the presiding judge to restrict firearm possession as part of a temporary order. Similarly, Utah law allows, but does not require, the court to restrict firearm possession based on a civil order; however, this happens infrequently (Diviney et al., 2009). Civil protective orders last indefinitely, although the respondent can request the order be dismissed after two years. The petitioner can request that the order be dismissed at any point; this still requires a hearing and judge's approval.

In contrast to the misdemeanor conviction restriction, which is a lifetime ban, the protection order restriction only applies during the time that the order is active. Gaps between state and federal law, and the temporal nature of protective orders, make it difficult to identify whether, and when, an individual is restricted from legally possessing a firearm due to a qualifying order. Identifying and prosecuting illegal gun possession may be especially difficult with respect to civil protective orders, which are not necessarily part of a criminal case. During the time that Project ADVANCE has been active (from January 1, 2013 through October 24, 2014, when the current data was pulled), there were 1,020 motions on civil protective orders (this includes requests to issue, modify, or dismiss an order). All of these were handled in district court, which has jurisdiction over civil protective orders, and all but one were handled in Salt Lake District Court. This figure does not represent all active orders during the time in question; however, the number characterizes the magnitude of the task with respect to tracking restricted status based on being subject to a qualifying order. Each motion represents a potential change in status for the respondent, as they gain or lose categorical restriction as a result of the court's decision.

Further complicating the process of identifying whether a respondent is a restricted person is the difficulty of ascertaining whether possession occurred during a time when the order was active. In order to facilitate immediate access to information necessary to verify an order's existence, state law requires that all protective orders be submitted to a statewide network. Nonetheless, substantial possibility for confusion exists. For example, after the court issues a protective order, restricted status is not in effect until the order is actually served; the *ex parte* order would not restrict firearm possession unless the judge had specifically ordered so. Of the 1,020 protective orders in front of the court in 2013/2014,

the average amount of time to service was four days (this figure excludes 4% of orders, which had no record of service). At the time of this report, the majority (n=847) of orders was currently active and had been in place for an average of 350 days. In contrast, the orders that were no longer active (n=173) were active for an average of 181 days. In order to hold an individual accountable for illegal firearm possession (e.g., by charging the individual with a crime), the prosecuting agency would have to know and establish that the possession occurred during the time that the order was active. Results of training and outreach efforts (described in the Year 1 report) indicate a lack of familiarity among domestic violence stakeholders with respect to knowledge about federal firearm statutes as they impact state-issued protective orders.

United States Attorney’s Office, PSN prosecutions

As noted earlier, gaps between state and federal law mean that violations of domestic violence-related federal firearm statutes must be prosecuted by the U.S. Attorney. Law enforcement entities refer cases to the USAO, where the PSN Task Force screens the case and decides whether or not to seek an indictment. A primary goal of Project ADVANCE was to increase domestic violence-related referrals to the PSN Task Force. One indicator that the Project was successful in this endeavor would be an increase in the number of cases referred to the task force due to a violation of one of the federal domestic violence-related firearm statutes: 18 U.S.C. 922(g)(8) or 18 U.S.C. 922(g)(9). Prior to Project ADVANCE, violations of these two charge types were relatively uncommon in cases referred to the task force. In 2012, only 13% of cases screened were referred for a violation of at least one of the two domestic violence-related statutes (Table 8). Table 8 demonstrates the number of referrals for violations of domestic violence statutes did not increase during the two years of Project ADVANCE. In 2013, 11% of cases were referred for at least one domestic violence charge; in 2014 2% of cases were referred for a violation of one of the domestic violence statutes (because data was collected in November, the figures for 2014 do not represent a full year).

Table 8: Cases Screened by PSN Task Force, by Charge Type and Year

Type of Violation	Number of Cases		
	2012	2013	2014 ¹
Any DV-related statute	12	8	1
Subject to Protective Order	6	4	1
Convicted of Misdemeanor Domestic Violence	8	7	0
DV noted by prosecutor	19	10	11
No DV-related statute	90	73	57

¹ Data from 2014 was only available through November

As part of case screening, the PSN Task Force identified cases where a defendant was also known to have domestic violence-related restrictions (whether or not the referral included a violation of those restrictions). Prosecutors indicated that knowledge of such restrictions increased the likelihood that they would accept the case. Across all three years, the number of cases wherein the prosecutor indicated that the defendant was restricted due to domestic violence is larger than the number of cases with dv-related charges: this

occurrence might indicate a lack of familiarity with dv-related federal firearm statutes on the part of the referring agency.

Given that the PSN Task Force screens cases statewide, but the intervention was conducted primarily in one law enforcement jurisdiction, another indication of program impact on referrals for domestic violence-related PSN cases might be evident at the level of agency referral, as indicated by an increase in this type of referral by specific agencies. Table 9 shows that the majority of PSN referrals come from municipal law enforcement agencies (police departments and city attorneys), both before and after Project ADVANCE. Similarly, the majority of cases referred for violation of a dv-related firearm statute are referred by municipal law enforcement agencies. This latter finding makes intuitive sense, given that municipal law enforcement agencies would be the entity responding to many of the misdemeanor-level domestic violence incidents, which comprise the majority of domestic violence incidents. No clear pattern emerges from the rest of the data with respect to PSN referrals, irrespective of the type of case.

Table 9: PSN Referrals by Referring Agency and Year

Referring Agency	Percent of Referrals (%)		
	2012	2013	2014 ¹
Municipal law enforcement ² (# referrals)	55	52	46
<i>% of total dv referrals</i>	<i>58</i>	<i>75</i>	<i>0</i>
County law enforcement ³ (# referrals)	19	8	4
<i>% of total dv referrals</i>	<i>8 (1)</i>	<i>13 (1)</i>	<i>0</i>
State law enforcement ⁴ (# referrals)	5	5	5
<i>% of total dv referrals</i>	<i>0</i>	<i>0</i>	<i>100</i>
Federal law enforcement ⁵ (# referrals)	13	16	3
<i>% of total dv referrals</i>	<i>17 (2)</i>	<i>13 (1)</i>	<i>0</i>

¹ Data from 2014 was only available through November

² Includes police and city attorneys

³ Includes sheriff and county attorneys

⁴ Includes Utah Highway Patrol, Department of Corrections

⁵ Includes Federal Bureau of Investigation; U.S. Forest Service; U.S. Marshalls; U.S. Drug Enforcement Administration; and Bureau of Alcohol, Tobacco, and Firearms

The majority of referrals to the PSN Task Force come from the West Valley City Police Department (not in table), which is also where the bulk of program activities were implemented. In 2013, law enforcement officers and prosecutors from this jurisdiction were trained on Project ADVANCE. During that year, WVC accounted for 36% of all PSN referrals (compared to 28% in 2012 and 29% in 2014). WVC also accounted for 63% of all cases referred for violation of a dv-related statute in 2013 (compared to 33% of all dv-related referrals in 2012 and 0 in 2014). While the number of cases is too small to draw firm conclusions, the increase in both PSN and dv-related referrals during the year, and in the jurisdiction, in which the training occurred might indicate that the training had a small (albeit temporary) impact on the number of cases referred to the PSN Task Force for violation of a dv-related statute.

When looking at indictments issued on PSN cases, relatively few involved cases with dv-related charges (less than 10% in all three years, see Table 10). Of the 64 indictments

issued in 2012, domestic violence was noted by the prosecutor in 28% of cases. In 2013, domestic violence was noted in 16% of indictments and 32% in 2014. Those numbers indicate that PSN may have a bigger impact on restricting firearms possession than is indicated by dv-related charges alone: while only one person was charged for violating a dv restriction in 2014, domestic violence was noted in more than one-third of cases.

Subsequent to a federal indictment, the defendant can be ordered by the court to surrender his or her weapons. As such, a domestic violence offender subject to a federal indictment would be required to surrender his or her weapons, whether or not he or she was charged with violating one of the dv-related statutes. Table 10 shows that weapons forfeiture was ordered in almost three-fourths of indictments in 2012 and less than half in 2013. Within each year, weapons forfeiture was ordered at similar rates regardless of whether the case included violation of dv-related statutes.

Table 10: Indictments and Judgments of PSN Cases

	Number of Cases		
	2012	2013	2014 ¹
Indictments			
Indictments (all PSN cases)	119	105	77
% court ordered forfeiture of weapons	61	39	22
# with dv charges	10	8	1
% court ordered forfeiture of weapons	70	39	0
# with dv noted by prosecutor	22	17	25
% court ordered forfeiture of weapons	38	47	24
Judgments			
Judgments (all PSN cases)	3	18	26
# with dv charges	1	9	5
# with dv noted by prosecutor	3	17	26

¹ Data from 2014 was only available through November

When looking at judgments, cases with dv-related charges comprise 20% to 60% of cases (however, the person may have pled guilty or been convicted of another charge and had the dv-related charge dismissed). Domestic violence was noted by the prosecutor in more than half of judgments in 2013 and all judgments in 2014.

Training and Outreach Efforts

As part of Project ADVANCE, staff conducted trainings with criminal justice stakeholders to increase relevant professionals' knowledge and skills for screening and referring appropriate cases to the U. S. Attorney's Office (see Year 1 report for discussion). All law enforcement officers, and some prosecutors, in West Valley City were trained in the first year of the project. The Salt Lake City Attorney's Office, which was originally a grant partner, withdrew from the project and officers and prosecutors in that jurisdiction did not receive such training. Results from the first year also identified the following problems with respect to increased referral and prosecution of domestic violence-related PSN referrals: lack of specificity in recording domestic violence assault convictions; lack of familiarity with dv-related federal firearm statutes among criminal justice stakeholders;

and lack of staff capacity to conduct regular, ongoing training on these issues. In response to these issues, during the second year of Project ADVANCE, staff developed relationships with stakeholders with the authority to make changes at the state level: the Utah Prosecution Council, the Utah Association for Domestic Violence Treatment, the Utah Domestic Violence Planning Advisory Council, and the Utah Division of Child and Family Services.

Project activities are described in the following section.

Training of criminal justice stakeholders. 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. Results from those surveys suggested that domestic violence treatment providers in Utah were not serving as a regular and reliable means for communicating information to offenders regarding federal firearms restrictions. Furthermore, providers did not receive 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.

Treatment Providers who provide domestic violence services (including offender services) are required to notify 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.

In response to the results of the Year I Report, as well as other domestic violence initiatives, mandatory training on dv-related federal firearms statutes is being added into DHS contracts for domestic violence providers. One means for fulfilling this requirement was through the Utah Association of Domestic Violence Treatment Provider’s annual conference, where project staff provided training on PSN. One week after the conference, an anonymous, online survey was sent to all attendees. Results from those surveys are

described below. For ease of comparison, results from the 2013 survey are included as well.

In total, 65 providers have completed the survey (33 in 2013 and 32 in 2014). Because there is no way to tell how many of the respondents completed the survey both times, the following results should not be interpreted as a measure of change in respondents' knowledge. Rather, the results provide a snapshot of the knowledge of the community of treatment providers at two different time periods.

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 six-item, true/false test assessing their knowledge about PSN.

Table 11 provides response frequencies for the survey's categorical demographic items. In both time periods, few respondents had ever been trained on PSN in 2013 or 2014. More than one-quarter (28%) reported having received training on domestic violence and firearms statutes in 2014 (compared to 15% in 2013). Survey results confirmed that treatment providers do not function as a source of notification for offenders regarding federal firearms restrictions. In 2014, only 11% of treatment providers "usually" (with more than 75% of clients) discussed federal firearm restrictions with clients convicted of domestic violence (not in table). In 2013, one-third (36%) of providers noted that many offenders had already received some notification of firearms restrictions prior to their first counseling session. In contrast, in the 2014 survey, the majority of respondents (59%) indicated that less than 10% of offenders had received some notification of firearm restrictions.

Table 11: Response Frequencies for Categorical Demographic Items

Item	Response	2013	2014
		n (%)	n (%)
Have you ever received training on PSN?	No	32 (97)	23 (72)
	Yes	1 (3)	2 (6)
	Did not respond (missing)	--	7 (22)
Have you ever received training on domestic violence and federal firearms statutes?	No	28 (85)	19 (59)
	Yes	5 (15)	9 (28)
	Did not respond (missing)	--	4 (13)
How long have you been working as a domestic violence treatment provider?	< 1 year	2 (6)	6 (19)
	1-5 years	16 (49)	9 (28)
	+5 years	13 (39)	17 (53)
	Did not respond (missing)	2 (6)	--

While providers do not appear to have regular discussions with offenders regarding federal firearms restrictions, nearly half of providers in 2013 indicated that they felt prepared to answer questions regarding the impact of misdemeanor domestic violence convictions (42%) and protective orders (46%) on the right to possess firearms (see Table 12). The percentage of providers who felt prepared to answer such questions was somewhat higher in 2014 (58% misdemeanor convictions, 52% protective orders), but so was the number of providers who felt unsure.

Table 12: Descriptive Statistics for PSN Preparedness Items

Percent of respondents who felt prepared to answer offender questions about (%):	Year	N	Disagree (1-2)	Unsure 3	Agree (4-5)
The impact of a misdemeanor domestic violence conviction on the right to possess firearms.	2013	33	36	21	42
	2014	31	16	26	58
The impact of a protective order on the right to possess firearms.	2013	33	33	21	46
	2014	31	19	29	52

Table 13 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, in 2014, approximately half of providers were familiar with the impact of a domestic violence conviction (53%) or a protective order (47%) on an offender’s right to possess firearms. When compared to the number of providers who expressed general knowledge regarding domestic violence and firearms, fewer providers indicated that they were familiar with PSN as a means for removing guns from domestic violence offenders. Compared to 2013, however, more than twice as many providers were familiar with local law enforcement systems (e.g., the PSN Task Force) for enforcing dv-related federal firearms restrictions.

Table 13: Descriptive Statistics for PSN Familiarity Items

Percent familiar with (%):	Year	N	Not Familiar (1-2)	Somewhat Familiar 3	Familiar (4-5)
The impact of a domestic violence conviction on an offender’s right to possess firearms.	2013	33	30	24	46
	2014	32	16	31	53
The impact of a protective order on an offender’s right to possess firearms.	2013	33	27	24	49
	2014	32	22	31	47
The use of PSN to prosecute persons who are unlawfully in possession of a firearm due to a misdemeanor conviction of domestic violence.	2013	33	70	18	12
	2014	32	41	38	22
The use of PSN to prosecute persons who are unlawfully in possession of a firearm due to a protective order.	2013	33	73	18	9
	2014	32	41	34	25

Table 14 shows the frequency of correct responses for each of the six items for the knowledge test. The majority of providers answered most of the questions correctly in both years. In both years, however, the onset and duration of the restriction (questions 4 & 6) appeared to be a source of confusion.

Table 14: Response Frequencies for Categorical Knowledge Items

Item (true/false)	2013		2014	
	N	%	N	%
1. Federal firearms restrictions only apply to individuals who have been convicted of felony. (<i>false</i>)	32	66	27	78
2. Federal firearms restrictions apply to all firearms, including hunting rifles. (<i>true</i>)	33	85	27	78
3. Federal firearms restrictions only apply to firearms that have been used in criminal activity. (<i>false</i>)	32	91	27	100
4. 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. (<i>false</i>)	32	44	26	62
5. Persons subject to an expired protective order are prohibited from owning firearms. (<i>false</i>)	31	81	25	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. (<i>false</i>)	31	58	25	48

When comparing survey results across the two years, it appears that domestic violence treatment providers in Utah are still not serving as a regular and reliable means for communicating information to offenders regarding federal firearms restrictions. Furthermore, providers have limited opportunities for 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.

In addition to creating both impetus and opportunity for treatment providers to receive training on dv-related firearm statutes, project staff presented to the Utah Domestic Violence Planning Advisory Council. This group, which consists of a range of stakeholders⁵, is tasked with making policy and practice recommendations for responding to domestic violence. In collaboration with UDPAC, project staff is hoping to develop guidelines, curriculum, and resources for providing ongoing training on dv-related federal firearms statutes to criminal justice professionals throughout the state. In particular, such an effort would address implementation problems such as those that occurred with the SLC Attorney's Office (e.g., ideally all officers and prosecutors would receive training).

Legislation and court rules. In addition to gaps in training, Berkovich (2014) identified problems with Rule 11g of the Utah Rules of Criminal Procedure. As of 2014, those rules provided guidance that was contradictory to federal statute (as noted in Appendix A). In the existing rules, the court is instructed to notify any defendant pleading

⁵ Participants include prosecutors, probation and parole, legal defenders, treatment providers, and members of the Commission on Criminal and Juvenile Justice (CCJJ).

guilty or no contest to a misdemeanor crime of domestic violence that he or she cannot legally possess a firearm; however, as noted earlier, there are many charges that would not restrict the individual from possessing a firearm. In addition, the existing rule says nothing about instructing the defendant to relinquish firearms. In conjunction with the Utah Prosecution Council (UPC), project staff drafted a revision to Rule 11 and presented it to the Rules Committee. In the revision, the court would instruct, in writing, defendants who plead guilty to a misdemeanor crime of domestic violence that meets federal subsections (g)(1)(a) and (g)(1)(c) that they are restricted from possessing a firearm. Additionally, the revision instructs the court to direct the defendant to transfer firearms to a person who is not restricted and make proof to the court within 10 days.

The Rules Committee rejected the revisions based on the belief that the inconsistency between the instructions and federal statute was best addressed by resolving contradictory implications within the assault statute. As such, project staff and UPC worked with the Commission on Criminal and Juvenile Justice (CCJJ) to draft legislation that would clarify the assault statute (eliminating subsection b so that any conviction on assault would qualify under federal restrictions). This revised legislation, sponsored by CCJJ, will be presented during the 2015 legislative session.

Discussion

Analysis of dv-flagged cases in CORIS suggests that project activities, such as training, can impact the specificity with which domestic violence convictions are recorded. The project encountered several difficulties, however, with respect to providing this type of training. In particular, one of the grant partners dropped out of the project; as such, law enforcement officers and prosecutors in that jurisdiction did not receive training. Development of statewide standards and training opportunities, with respect to dv-related firearm restrictions, would circumvent the problem of individual jurisdictions refusing to participate and/or providing inconsistent training opportunities.

The proposed legislation, sponsored by CCJJ, would also largely circumvent confusion in recording convictions on domestic violence assault charges. Even with the passage of the legislation, however, many criminal justice stakeholders, outside of law enforcement, are unfamiliar with dv-related federal firearm statutes. These stakeholders (such as victim advocates and treatment providers) are positioned to provide education to victims and offenders. Ideally, this training would include the development of written protocols for screening victims and offenders and making referrals to law enforcement, when appropriate. Currently, however, training efforts are conducted by two individuals, both of whom work part-time on this project. As such, the provision of regular, ongoing, statewide training to all stakeholders is not sustainable in the existing model.

There was no increase in the number of dv-related referrals to the PSN Task Force during the two years of Project ADVANCE. In both the pre and post time period, cases with dv-related charges were a small portion of the total PSN referrals, indictments, and judgments. Case notes added by the prosecutor, however, indicate that nearly all judgments in PSN

cases are against an offender with dv-related restrictions. This finding suggests that law enforcement entities are referring cases to PSN based on certain types of restrictions (most commonly felon in possession) but are not necessarily screening for dv-related restrictions.

Given that the project has been extended for one year, the final report will be issued in December, 2015, and will include information related to ongoing efforts to formalize and sustain project activities. The following recommendations, which are based on the current analysis, speak to the project's long-term capacity and sustainability.

Recommendations

- Enhance and formalize existing collaboration with the Utah Department of Human Services, the Utah Domestic Violence Council, and the Utah Association for Domestic Violence Treatment to develop increased capacity for training domestic violence stakeholders on federal firearms restrictions for domestic violence treatment providers. Ideally, regular, ongoing training would be provided to law enforcement, prosecutors, victim advocates, and treatment providers.
- 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 organizations 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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APPENDIX A: Rule 11g of the Utah Rules of Criminal Procedure

Unless specifically required by statute or rule, a court is not required to inquire into or advise concerning any collateral consequences of a plea.

(f) Failure to advise the defendant of the time limits for filing any motion to withdraw a plea of guilty, no contest or guilty and mentally ill is not a ground for setting the plea aside, but may be the ground for extending the time to make a motion under Section 77-13-6.

(g)(1) Prior to accepting a plea of guilty, no contest, or guilty and mentally ill to a misdemeanor crime of domestic violence, the court shall find:

(g)(1)(a) whether the conduct to be pled to has, as an element, the use or attempted use of physical force against the victim;

(g)(1)(b) what the conduct was;

(g)(1)(c) whether the conduct was committed by a current or former spouse, parent or guardian of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian; or a person similarly situated to a spouse, parent, or guardian of the victim.

(g)(2) After the court accepts the plea, the court shall direct the court clerk to enter on the docket the findings made pursuant to Subsections (g)(1)(a) through (g)(1)(c).

(g)(3) Prior to accepting a plea to a misdemeanor crime of domestic violence, the court shall elicit from counsel a statement specifying to which specific subsection of the statute the defendant will plead.

(g)(4) After the court accepts the plea, the court shall direct the court clerk to enter on the docket to which specific subsection the defendant pleaded.

(g)(5) If the defendant pleads guilty, no contest, or guilty and mentally ill to a misdemeanor crime of domestic violence, as defined in Utah Code Section 77-36-1, for which the court finds that the defendant met both the force requirement in Subsection (g)(1)(a) and that defendant met any of the relationship statuses with the victim defined in Subsection (g)(1)(c), the court shall advise the defendant orally or in writing that, as a result of the plea, it is unlawful for the defendant to possess, receive or transport any firearm or ammunition. The failure to advise does not render the plea invalid or form the basis for withdrawal of the plea.

(g)(6) If the defendant pleads guilty, no contest, or guilty and mentally ill to a misdemeanor crime of domestic violence affirmatively meeting Subsections (g)(1)(a) and (g)(1)(c) the court shall direct the defendant to transfer all firearms and ammunition in his or her possession to a person who is not a restricted person under state or federal law, and make proof satisfactory to the court of that transfer within 10 days of entry of plea.