



Misdemeanor Crimes of Domestic Violence

The Connecticut Strategy

The National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP) federal grant implements the provisions of the NICS Improvement Amendments Act (NIAA) of 2007. The State of Connecticut received funds under the NARIP 2011 grant to improve the quality, completeness, and availability of NICS records. One of Connecticut's challenges is to develop accurate NIAA State Estimates with narratives that identify the structural or reporting problems of potential NICS records. State Estimates are provided by the originating agencies who may only understand their responsibility in the overarching process.

Connecticut's NCHIP Official, who oversees and verifies the annual NIAA State Estimates to the U.S. Attorney General, sought to create a shared understanding about how data is transmitted to NCIC, III, and the NICS Index. NARIP 2011 funds were utilized to hire business analysts who developed flow charts for Connecticut's current "AS IS" business processes from the local, state and federal levels for all seven (7) categories of records specified in the NIAA. The documentation is intended to provide a comprehensive understanding of the multiple data sources and reporting paths the data follows, providing a more accurate understanding of where records exist and how data is reported. A thorough examination of all the reporting systems can identify and resolve disparities, leading to more records being made available to NICS.

The seven (7) NIAA categories of records that Connecticut is assessing which may disqualify an individual from possessing or receiving a firearm under federal law are as follows:

- 1) Felony Convictions
- 2) Felony Indictments
- 3) Fugitive from Justice (Warrants)
- 4) Unlawful Drug Use Adjudications
- 5) Mental Health Adjudications
- 6) Protection Orders
- 7) Misdemeanor Crimes of Domestic Violence

This document is a work in progress and part of Connecticut's NICS Record Improvement Plan. The analysis contained in this document focuses on the NIAA Category 7 – Misdemeanor Crimes of Domestic Violence.

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NIAA Estimates define Convictions for Potential Misdemeanor Crimes of Domestic Violence (MCDV) as records that may identify a person convicted of misdemeanor offenses such as battery, assault, disorderly conduct, breach of peace, family violence/domestic violence, family assault or battery/domestic assault or battery, stalking, harassment, etc. Under state law, a misdemeanor is an offense that is punishable by imprisonment for a term of one (1) year or less.

In Connecticut, there are nine (9) statutes, with 22 possible offenses, where a conviction may qualify as a MCDV firearms prohibition.

Connecticut agencies involved in the *business processes* that have an impact on the quality, completeness, and availability of records submitted under Category 7 are:

Law Enforcement Agencies

Division of Criminal Justice, Office of the Chief State's Attorney (Prosecutor)

Department of Emergency Services and Public Protection (DESPP)

- Connecticut State Police (CSP)
- State Police Bureau of Identification (SPBI)
- Special Licensing and Firearms Unit (SLFU or State Firearms Unit)

Judicial Branch, Office of the Chief Court Administrator (Judicial)

- Court Support Services Division (CSSD)
- Superior Court Operations Division (COU)
- Superior Court for Criminal Matters (Criminal Courts)
- Superior Court Records Center

Office of Policy and Management (OPM)

The following *systems* have been identified by Agency as being involved in Category 7:

Law Enforcement Agencies

- Record Management Systems (RMS)
- Automated Fingerprint Identification System (AFIS)

Department of Emergency Services and Public Protection (DESPP)

- CSP's Record Management System (RMS)
- Automated Fingerprint Identification System (AFIS)
- Computerized Criminal History (CCH or State Repository)
- Family Violence Database
- Special Licensing and Firearms Unit (SLFU)

Judicial Branch (Judicial)

- Case Management Information System (CMIS, Family Services)
- Criminal Motor Vehicle System (CRMVS)
- Protection Order Registry (POR)
- Protection Order Registry Administrative Reporting Module (POR-ARM)

U.S. Department of Justice (USDJ)

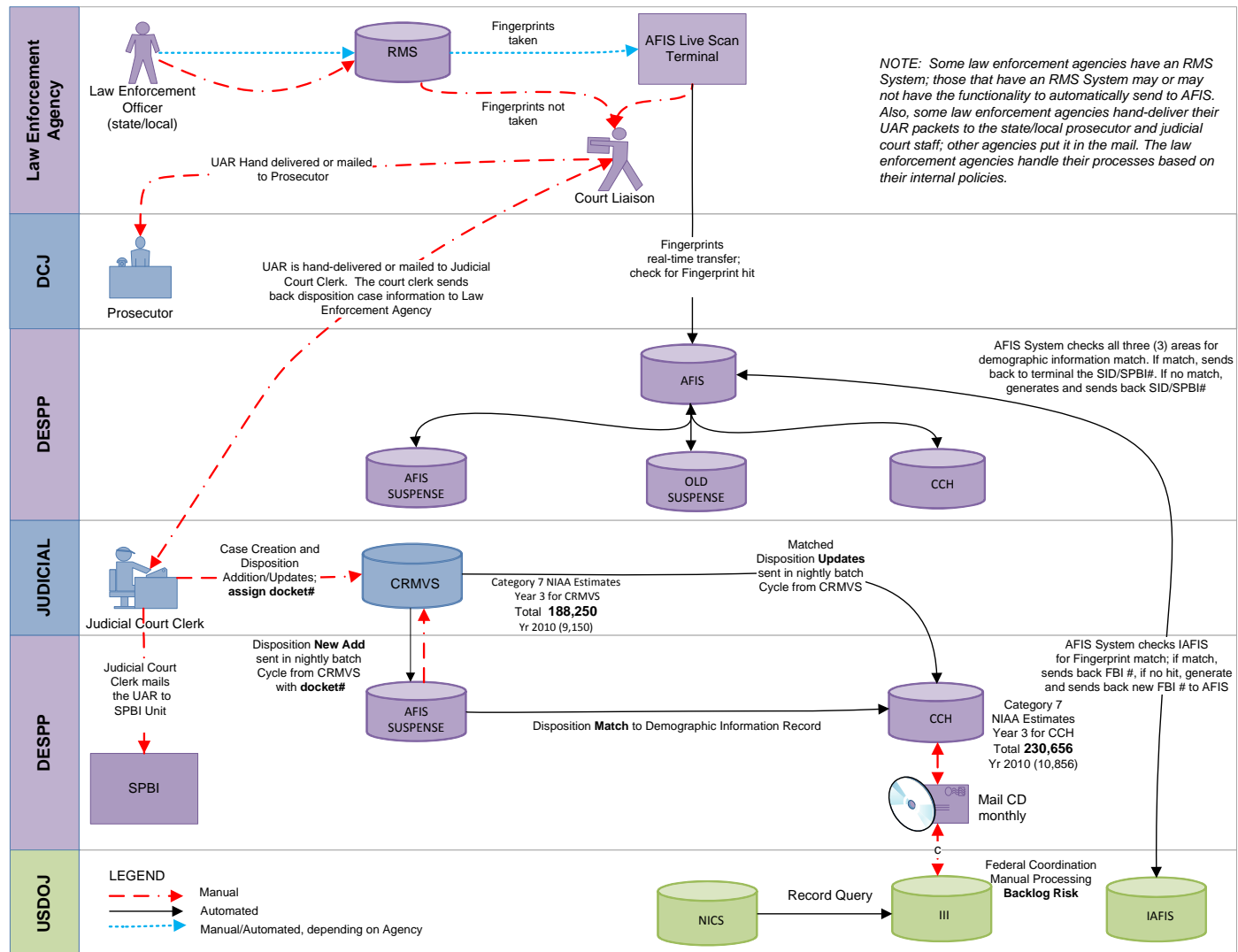
- Integrated Automated Fingerprint Identification System (IAFIS)
- Interstate Identification Index (III)
- National Instant Criminal Background Check System (NICS)

Misdemeanor Convictions in Connecticut

All misdemeanor conviction records in Connecticut require some form of manual processing throughout the arrest, disposition, and conviction life cycle.

The following section describes the typical arrest and conviction process for a case that may result in an MCDV firearms disqualification, which includes the business and system related activities.

The business and system’s process diagram for *misdemeanor convictions* is shown below.



Business Process Description

The business processes for arrests are the same as those described in the *Arrest and Disposition Life Cycle* found in *Category 1 – Felony Convictions*.

Most misdemeanor convictions can be identified by statute number or code section in both CRMVS and CCH systems; however, some statutes and statute subsections include elements that do not satisfy the MCDV criteria. There are no separate statues or subsections for offenses perpetrated against domestic, family, or household victims. The number of possible convictions from either CCH or CRMVS is significantly greater than the actual number of convictions that may qualify as an MCDV.

In order for conviction records for a potential MCDV to be available in III, fingerprints must be associated with the underlying arrest, and upon conviction, a technician at CCH must locate the records and determine if they should be transferred to III. CCH records are sent manually to the III since there is no direct disposition feed or link between CCH and III. When a conviction record for a potential MCDV is available in III, the record is available to NICS upon inquiry on a case by case basis. However, even if the conviction record is available in III, the record does not indicate whether the conviction satisfies the MCDV criteria.

For the NIAA Estimates, data was utilized from the CRMVS and CCH, and the Year 4 (2011) counts are 11,814 (CCH) and 8,908 (CRMVS).

Due to the challenges summarized below, the NICS Record Improvement Task Force recognizes that these counts are greater than the actual number of records that may be reported to NICS as a MCDV.

Challenges

- Many misdemeanor arrests are not supported by fingerprints, so conviction information for potential MCDVs may not be available through III.
- Most court computer records prior to 1999 were destroyed and disposition records in CCH are incomplete making these records possibly not being available to III and NICS.
- CRMVS is a legacy system that has data limitations for most of the NIAA categories of record. CRMVS is critical to the state’s entire criminal justice system; however, it is limited in its system capabilities. *This*

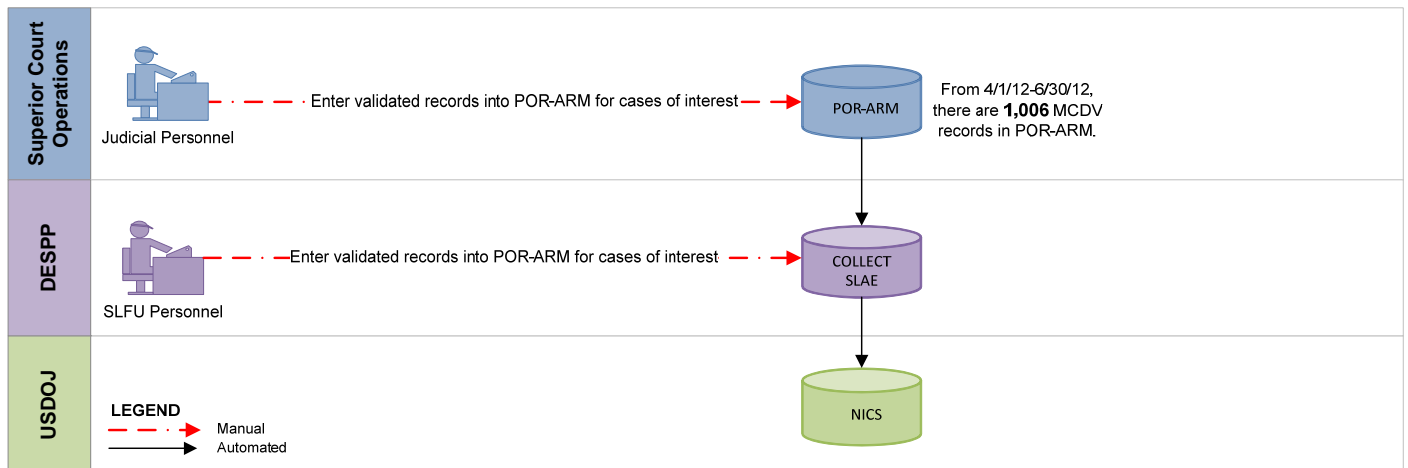
also presents challenges for the Ink-Rolled Fingerprints process.

- The MCDV relationship and use of force criteria are often difficult to establish through any of the primary records created or maintained by the courts and the CCH. The courts will utilize a paper form in an effort to supplement certain conviction records with the MCDV criteria.
- CCH records are sent manually to III because there is no direct disposition feed or link between CCH and III. This requires a technician at CCH to locate and make the determination if the MCDV records should be transferred to III and available to NICS.
- Disposition records are difficult to reconcile in the CCH and the CRMVS if the case involved a court diversion program (e.g. Prosecution withdrawn after a defendant completes psychiatric treatment), or if the case involved a post-disposition event (e.g. Conviction pardoned or overturned on appeal). Anecdotal reports indicate that many domestic violence cases involve diversion programs.

Interim Remedial Measures

From the challenges summarized above, the NICS Record Improvement Task Force recognized that MCDV records are not available to NICS through III. With assistance under the NCHIP grant, the Judicial Branch and SLFU implemented an interim manual process for developing complete MCDV records in the criminal courts, validating the records centrally in the COU, and then manually entering the records in the NICS Denied Person File.

The business and systems process diagram of interim processes is shown below:



Business Process Description

The data capture for arrest records begins at the point an offender is arrested and booked. The law enforcement agency identifies the arrest as involving family violence. They will record family relationship in the family violence incident report. The family violence incident report will be sent manually to DESPP, and the uniform arrest report (UAR) will go to the DCJ and Judicial as described in the *Arrest and Disposition Life Cycle* found in *Category 1 – Felony Convictions*.

When DESPP receives the family violence incident report, they will enter the arrest and relationship information into the family violence database, but the information entered does not get disseminated further.

Once the individual is convicted, the DCJ Prosecutor *may* request the domestic violence designation, *may* identify the offense subsection, and *may* identify the offender’s relationship to the victim defined in the family violence incident report. Upon conviction of the individual, Judicial

may complete Form JD-CR-155 and send to the Superior Court Operations Division (COU).

If Form JD-CR-155 is received from Judicial, the Judicial Personnel will enter these conviction records into POR-ARM for entry into COLLECT SLAE to make these records available to NICS.

In contrast to the NIAA estimates for 2011, 2,353 actual MCDV disqualification records were validated from convictions in 2011. This number is closer to the estimate of potential MCDV records than the straight conviction counts in CRMVS and CCH that were utilized for the NIAA Estimates.

*NIAA Estimates for Year 4 are still being validated.