

## Personal Security

*Utah Citizens' Counsel Personal Security Committee*

***Article 5. All Utahns have the right to security of person, especially freedom from physical harm and psychological abuse, whether experienced within the family or in the community at large.***

### Introduction

The 2017 Personal Security Report focused on issues of domestic-violence-related homicides and the impact of the Lethality Assessment Protocol in reducing these murders. It urged action to recognize the prevalence of dating violence. The lethal impact of guns on society led to the recommendation for Universal Background Checks. We lauded HB 200, mandating that all rape kits be tested, as a turning point in the treatment of Utah rape victims, and Brigham Young University for allowing 'amnesty' regarding its Honor Code during sexual assault investigations.<sup>1</sup> Utah still has not joined the Prison Rape Elimination Act, or passed a robust hate crimes bill. The 2018 Report will again address domestic violence, gun violence (including suicide), and hate crimes, as well as the high rate of deaths in Utah's county jails.

### Domestic Violence

The Department of Justice (DOJ) has undermined efforts to stigmatize domestic violence as a criminal assault violating personal security. A 2014 immigration court ruling<sup>2</sup> allowed aliens to petition for asylum when their home country failed to secure protection against violence in the home.<sup>3</sup> Attorney General Jeff Sessions used his veto power over immigration court decisions to rescind this ruling, and disqualified such claims as matters of "private violence."<sup>4</sup>

Despite Utah's low overall homicide rate, domestic-violence-related homicides have accounted for over 40% of its total murders over the last two decades, compared with 30% nationally. Intimate partner violence accounts for one in three female homicide victims compared with one in twenty males.<sup>5</sup> A partnership between the Utah Domestic Violence Coalition (UDVC) and multiple Utah police departments has significantly reduced the death toll through the adoption of the Lethality Assessment Protocol.<sup>6</sup> Building on that success, and given the heavy demand for everyday services in its 13 overtaxed shelters, the UDVC is requesting \$1.5 million in dedicated budget funding.<sup>7</sup>

Even though dating conflicts account for 25% of domestic assaults, Utah laws limited the legal category of domestic violence to married, divorced, or co-habitant relationships.<sup>8</sup> The highly publicized 2017 murder of a woman and her son by an ex-boyfriend prompted broad support for the "Relationship Violence and Offenses Amendment" bill sponsored by Representative Angela Romero and Senator Todd Weiler.<sup>9</sup> As a result, dating violence must now be regarded as domestic violence by Utah's law enforcement and court systems. Passage of SB 27 was a key Article 5 Recommendation from the 2017 UCC Report.

Despite the UDVC's support, the 2018 "Duty to Assist in an Emergency" bill failed. HB 125 directed bystanders to contact authorities via 911 when witnessing a person in danger of "serious bodily harm," whether by accident or assault (unless such action would endanger the caller).<sup>10</sup>

## Gun Violence

Gun violence remains a major U.S. health and safety problem costing over 30,000 lives annually. This approximates the current number of motor vehicle deaths, which have been in steady decline for years, due largely to safety regulations such as seat belts.<sup>11</sup> Yet gun laws are remarkably few. Congress, via the 1966 Dickey Amendment, prohibited the Centers for Disease Control (CDC) from any research advocating gun control after a CDC study concluded that firearms in the house elevated the residents' risk of suicide or homicide.<sup>12</sup> Congress also cut gun research funding from the CDC budget, and attached the Dickey Amendment to all subsequent CDC budgets.<sup>13</sup>

Two recent mass killings have intensified the debate over firearms. Bump stocks that convert semi-automatic rifles (like the AR-15) into weapons of war were used to kill 58 concert-goers in Las Vegas.<sup>14</sup> Subsequently, despite multiple warnings to authorities, a former student murdered 17 people at a Parkland, Florida high school. The latter tragedy gave life to the national student-led March For Our Lives (MFOL) campaign that demands stricter regulations of firearms and their access.<sup>15</sup>

Contrary to Utah's status as a staunch gun-rights state, a surprising number of gun safety bills have been submitted for the 2019 legislative session.<sup>16</sup> Utah-MFOL activists<sup>17</sup> helped motivate the Legislature to create a Utah Safe Schools Commission (USSC),<sup>18</sup> whose report calls for two of these proposed firearms safety regulations.<sup>19</sup> First, a Red Flag law would permit families, through the courts or police, to have firearms removed temporarily from someone who is likely to injure self or others.<sup>20</sup> Second, a Universal Background Checks (UBC) requirement would close loopholes (such as gun shows or private online sales) that allow buyers to avoid the National Instant Criminal Background Check System.<sup>21</sup> (Additional "common-sense" firearm proposals include a concurrent resolution directing Congress to revoke the Dickey Amendment, and a ban on bump stocks.)<sup>22</sup>

### *Guns and Suicide*

Suicides constitute over 60% of gun deaths nationally, and over 85% of gun deaths in Utah.<sup>23</sup> Utahns reside in the Mountain West "suicide belt" and suffer the nation's 5th highest rate of suicide.<sup>24</sup> Even more alarming, Utah's youth suicides have grown at 4 times the national rate to become the leading cause of death for its 10-17 year-olds. Firearms, too available and so lethal, account for half the fatalities.<sup>25</sup> The primary means of reducing youth suicides or accidents, according to the Utah Department of Public Safety, lies in requiring owners to employ gun locks (or safes), as mandated in another proposed 2019 bill, "Safe Storage of Firearms Amendment."<sup>26</sup>

Prompted by a CDC recommendation that Utah should do more to address youth suicides,<sup>27</sup> Governor Gary Herbert created the Teen Suicide Prevention Task Force in January 2017 with a charge to compile an overview of state efforts to reverse the ongoing tragedy.<sup>28</sup> The University of Utah Neuropsychiatric Institute inaugurated a SafeUT app in 2016 to allow students 24/7 contact with a crisis counselor.<sup>29</sup> Over 26,000 SafeUT chats or tips interactions have occurred from 2017 through April 2018.<sup>30</sup> Representative Steve Eliason, chair of the Task Force, passed a 2018 bill to fund mobile crisis outreach teams and require schools to adopt suicide prevention programs.<sup>31</sup> Utah's Medical Examiner Office hired a suicide research coordinator to conduct "psychological autopsies" through interviews with victims' friends and family, with a specific

focus on marginalized communities such as Native Americans and LGBTQ students.<sup>32</sup> CDC research indicates that lesbian, gay, and bisexual youth are 4 times more likely to attempt suicide than their heterosexual counterparts. (Utah is one of 25 states that has declined to allow sexual orientation questions in its student surveys.)<sup>33</sup>

## **Hate Crimes**

Utah is not immune to the recent national uptick in hate crimes<sup>34</sup>-- attacks upon those perceived to be members of a social group despised by the assailant. These acts also serve the purpose of intimidating the victim's entire community, typically a racial or religious minority. Although hate crimes remain "vastly" underreported,<sup>35</sup> Utah agencies acknowledged 66 such incidents in 2016 to the Federal Bureau of Investigation. The lack of a single successful hate crimes prosecution under Utah's vacuous 20-year-old law dramatizes the need for reform. Senator Daniel Thatcher's 2017 "Victim Selection Penalty Enhancement" bill stressed that all citizens, not just minorities, would gain protection through a robust hate crimes bill.<sup>36</sup> The 2017 bill, like its 2016 antecedent, faced a barrier in the broad perception that a statement<sup>37</sup> by the Church of Jesus Christ of Latter-day Saints (LDS) indicated its resistance. Prior to the 2018 session, he made a bold challenge to the LDS Church--publicly clarify whether it opposed SB 86.<sup>38</sup> While every other major faith in Utah supported the bill, the LDS church remained silent, and the reform bill went down to defeat.<sup>39</sup>

Two 2018 events illustrate this legal lacuna. Mark Olic Porter told his Draper apartment complex neighbors that African-Americans should not be tenants, and even asserted that "all black people should be exterminated." When Porter yelled racial slurs at a 7-year-old boy riding his scooter in the courtyard, his father protested. After more slurs, Porter zip-caned the father in the neck with a stun device.<sup>40</sup> Despite the damage of such racist conduct within its own community, Utah could only charge Porter with aggravated assault. Ultimately, the federal government prosecuted him under its own hate crimes statute.<sup>41</sup> (Porter served 9 months in prison.)<sup>42</sup>

Following the Utah Pride Festival, four participants were harassed with anti-gay slurs and chased by a group of men. They found refuge in the Doki Doki dessert shop where a single employee offered them sanctuary, and then took some blows for blocking the door.<sup>43</sup> Even if the \$5,000 reward led to arrests, Utah's dormant law could not deliver a hate crimes conviction.<sup>44</sup>

## **Jail Deaths**

The 2014 Bureau of Justice Statistics reported that Utah's county jails had the nation's highest rate of in-custody deaths--a number that totaled 24 in 2016.<sup>45</sup> There are no federal policies outlining standards for the treatment of county jail inmates, two thirds of whom are being held while awaiting trial. The *Salt Lake Tribune's* detailed coverage of several inmate deaths generated public attention to the issue.<sup>46</sup>

Reportedly, some Utah jails did invite inspections from the Utah Sheriffs Association, but those findings were not made public, prompting an American Civil Liberties (ACLU) lawsuit.<sup>47</sup> And, until recent months, the handbook of 600 guidelines used in operating Utah's 25 jails also remained publicly unavailable. Its author, Gary DeLand, formerly the head of Utah's Department of Corrections, asserted proprietary rights over the document.<sup>48</sup>

Critics focus on two interrelated concerns--preventing suicides (the highest percentage of jail deaths in Utah and elsewhere), and failing to provide appropriate medical treatment for inmates. New inmates have been denied access to ongoing medical prescriptions, and those undergoing detoxification have been denied medical services.<sup>49</sup>

Senator Todd Weiler's SB 205 ("Incarceration Reports," passed in 2018) directs Utah's prisons and jails to submit information to the Commission on Criminal and Juvenile Justice regarding all in-custody deaths, current lists of approved medications, and which treatments, if any, are available to inmates with substance or alcohol addiction. After a Working Group compiles this feedback for Senator Weiler by November, 2018, he will determine whether new laws should be proposed.<sup>50</sup>

## Commendations

- **The Utah Legislature's expansion of the legal definition of domestic violence to include dating violence** through SB 27, "Dating Violence and Offenses Amendment"
- **Utah-March For Our Lives students**, whose commitment to active citizenship and safe schools has inspired hope for bipartisan consensus on Utah gun laws
- **Utah Safe Schools Commission Report's** endorsement of concrete steps to help ensure students' safety and well-being while at Utah's public schools
- **Utah's efforts to address youth suicide** through the Teen Suicide Prevention Task Force, the SafeUT app, crisis outreach teams, and the suicide prevention specialist
- **Terrance Mannerly's** courageous actions to stop hate crime assailants at the door of the Doki Doki dessert shop
- **The *Salt Lake Tribune*** for highlighting the human cost of Utah's jail deaths, and the **American Civil Liberties Union** for demanding mandatory jail reviews
- **The Utah Legislature's passage of "Incarceration Reports,"** requiring an account of all Utah in-custody deaths and a review of basic medical practices in Utah's jails

## Recommendations

- **The Utah Legislature should endorse a version of the "Duty to Assist in an Emergency"** bill to help defend victims of intended or unintended violence.
- **The Utah Legislature** should support the concurrent resolution urging Congress to **withdraw the Dickey Amendment** and facilitate CDC's research on gun violence.
- **The Utah Legislature should pass fundamental gun safety laws** currently in process for the 2019 Legislature, including Red Flag authority, Universal Background Checks, a ban on bump stocks, and a safe storage requirement for gun owners.
- **Utah School Districts should allow sexual orientation questions on the Youth Risk Behavior Survey** that could help address Utah's youth suicide epidemic.
- **The Utah Legislature should pass an effective hate crimes bill** with provisions such as found in the 2018 "Victim Selection Penalty Enhancement" bill.
- **The Utah Legislature should require a record of all incarceration deaths**, and establish policies to deter suicide and assure appropriate medical treatments in Utah jails.

## Endnotes for Article 5 (Personal Security)

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<sup>1</sup> Campus Safety Magazine has highlighted a 'loophole' to the 2017 amnesty pledge (assumed to allow a student at a BYU-affiliated university to make a sexual assault complaint without fear of being punished for the student's own Honor Code violation). In August 2018, a BYU-Idaho student's sexual assault allegation was verified by school officials. However, she was suspended for two semesters because she had been drinking at the time of the attack. Students are required to have the endorsement of their LDS Bishop confirming their "worthiness" to attend the university. The punishment came not from the university, but from her LDS Bishop, who told her the school's Honor Code amnesty policy was 'irrelevant.' See Erin Alberty, "Her Mormon College Upheld Her Sex-Assault Complaint-- But Kicked Her Out Anyway. The Case Shows a 'Loophole' in BYU's Honor Code Amnesty, Experts and Victims Say," *Salt Lake Tribune*, August 5, 2018, accessed August 25, 2018, <https://www.sltrib.com/news/2018/08/05/her-mormon-college-upheld/>.

<sup>2</sup> Amy Grenier, "Landmark Decision on Asylum Claims Recognizes Domestic Violence Victims," *American Immigration Council: Immigration Impact*, September 2, 2014, accessed June 6, 2018, <http://immigrationimpact.com/2014/09/02/landmark-decision-on-asylum-claims-recognizes-domestic-violence-victims>.

<sup>3</sup> Asylum status extends to those who persuasively prove they have a "well-founded fear of persecution," usually based on categories such as race and religion, but also including a generic category of those endangered as members of a "particular social group" (such as sexual minorities or family members of known dissidents). Since the A-R-C-G case, those fleeing domestic violence and gang violence have been included as a "particular social group." See Miriam Jordan, "Her Husband's Killers Told Her She Was Next. These Days, That's Not Enough for Asylum," *New York Times*, August 7, 2018, accessed August 7, 2018, <https://www.nytimes.com/2018/08/07/us/migrants-asylum-credible-fear.html>.

<sup>4</sup> Katie Benner and Caitlin Dickerson, "Sessions Says Domestic and Gang Violence Are Not Grounds for Asylum," *New York Times*, June 11, 2018, accessed June 12, 2018, <https://www.nytimes.com/2018/06/11/us/politics/sessions-domestic-violence-asylum.html>.

Subsequently, the American Civil Liberties Union filed a law suit on behalf of petitioners (Grace v. Session), and asked for a pause in deportations while the court system considered whether the new limitations violated U.S. or international law. Vivian Yee, "Judge Threatens Sessions With Contempt Over Deported Asylum Seekers," *New York Times*, August 9, 2018, accessed August 9, 2018, <https://www.nytimes.com/2018/08/09/us/asylum-judge-deported.html?module=Watching>.

<sup>5</sup> Paighen Harkins, "In Utah, the 'Most Likely Murder Scenario is Going to be Perpetrated by Someone You Know and Love,'" *Salt Lake Tribune*, December 31, 2017, accessed December 31, 2017, <http://www.sltrib.com/news/2017/12/31/in-utah-the-most-likely-murder-scenario-is-going-to-be-perpetrated-by-someone-you-love/>. State and national statistics overlap regarding intimate partner violence--1 in 3 female homicide victims die at the hands of an intimate partner, while only 1 in 20 male victims do.

<sup>6</sup> Since its introduction in July 2015, LAP has been integral to screening 6,500 domestic violence victims, of which 3/4 received crisis counseling, and 1/2 were provided shelter. Paighen Harkins, "Utah Domestic Violence Coalition is Seeking State Funding, and It's Armed with Stats to Show Why It Thinks It Deserves the Money," *Salt Lake Tribune*, February 7, 2018, accessed February 15, 2018, <http://www.sltrib.com/news/2018/02/07/utah-domestic-violence-coalition-is-see-ongoing-state-funding-and-theyre-armed-with-statistics-to-show-why-they-think-they-deserve-it/>.

<sup>7</sup> Utah Social Services Appropriations Committee, Overview of SFY 19 Legislative Funding Request for Domestic Violence Services, Utah Domestic Violence Coalition, February 8, 2018.

<sup>8</sup> Editorial, "Utah Must Face its Problem of Domestic Violence," *Salt Lake Tribune*, June 16, 2017.

<sup>9</sup> Mariah Noble and Paighen Harkins, "'If I Can Find Her, I Will Kill Her:' Man Threatened Sandy Woman And Her Son in the Days And Hours Leading Up To Their Death, Police Investigation Shows," *Salt Lake Tribune*, February 1, 2018, accessed February 2, 2018, <https://www.strib.com/news/2018/02/01/if-i-can-find-her-i-will-kill-her-man-threatened-sandy-woman-and-her-son-in-the-days-and-hours-leading-up-to-their-death-police-investigation-shows>.

<sup>10</sup> W. Anderson, "Lawmakers Reject Bill That Would Have Made It a Crime to Ignore People in Need of Assistance," *Salt Lake Tribune*, February 12, 2018, accessed February 13, 2018, <http://www.sltrib.com/news/politics/2018/02/12/lawmakers-reject-bill-that-would-have-made-it-a-crime-to-ignore-people-in-need-of-assistance>. University of Utah Law Professor Amos Guiora, author of *The Crime of Complicity: The Bystander in the Holocaust*, joined the UDVC in testifying on behalf of HB 125 before the House Judiciary

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Committee. Ross Chambless, Communications Specialist, Utah House Democratic Caucus, "House Judiciary Committee Passes H.B. 125, 'Duty to Assist in an Emergency' By Vote of 9 to 3," January 31, 2018.

<sup>11</sup> "Gun Deaths Outpace Motor Vehicle Deaths in 21 States and the District of Columbia in 2014," *Violence Policy Center*, January 11, 2016, accessed July 1, 2018, <http://www.vpc.org/press/gun-deaths-surpass-motor-vehicle-deaths-in-21-states-and-the-district-of-columbia/>. Utah is one of the 21 states.

<sup>12</sup> Ironically, former Arkansas Congressman Jay Dickey deeply regretted the consequences of the Dickey Amendment, and compared the successful "scientific, evidence-based approach" to reducing car deaths to the dearth of research on gun deaths. Opinion: Jay Dickey and Mark Rosenberg, "We Won't Know the Cause of Gun Violence Until We Look For It," *Washington Post*, July 27, 2012.

<sup>13</sup> After the Parkland killings, Congress noted in the 2018 omnibus budget that the Dickey Amendment does not itself prohibit research on firearms. However, CDC funding is specified by project, and Congress has provided no funding to study gun violence. Nathaniel Weixel, "Funding Bill Won't Prompt New Gun Research, Experts Say," *The Hill*, March 25, 2018, accessed March 26, 2018, <http://thehill.com/policy/healthcare/380026-funding-bill-wont-prompt-new-cdc-gun-research-experts-say>. The National Institutes of Health was also subjected to Dickey Amendment-type language in 2012. "Improving Gun Policy Science," *Rand Corporation*, accessed June 6, 2018, <https://www.rand.org/research/gun-policy/essays/improving-gun-policy-science.html>. Such Congressional roadblocks have led a few states to authorize and fund their own scientific examinations of gun violence. Michael Ollove, "Little National Research is Done on Gun Violence, so Some States are Stepping In," *Washington Post*, March 12, 2018.

<sup>14</sup> David DeMille, "Report: Las Vegas Gunman Had Purchased At Least 55 Guns Over Previous Year," *The Spectrum* (USA Network), January 19, 2018, accessed June 29, 2018, <https://www.thespectrum.com/story/news/2018/01/19/report-las-vegas-gunman-had-purchased-least-55>. With bump stocks, a semi-automatic weapon fires at a rate of about 9 shots a second, nearly as lethal as the continuous fire of an automatic weapon (14 rounds per second). Grace Donnelly, "What You Need To Know About Bump Stock Gun Accessories," *Fortune*, February 21, 2018, accessed on June 27, 2018, <http://fortune.com/2018/02/21/bump-stocks-bar-las-vegas-shooting/>.

<sup>15</sup> "March for Our Lives Highlights: Students Protesting Guns Say 'Enough is Enough,'" *New York Times*, March 24, 2018, accessed July 9, 2018, <https://www.nytimes.com/2018/03/24/us/march-for-our-lives.html>. The March For Our Lives Mission Statement includes 1) Universal comprehensive background checks, 2) Bringing the ATF into the 21st century with a digitized, searchable database, 3) Funds for the CDC to research the gun violence epidemic in America, 4) A high-capacity magazine ban, 5) A ban on semi-automatic assault rifles. "Mission Statement," *March For Our Lives*, accessed July 15, 2018, <https://marchforourlives.com/mission-statement/>.

<sup>16</sup> Lee Davidson, "On First Day to Propose Bills for Next Year's Utah Legislature, House Democrats Take Aim at Gun Violence," *Salt Lake Tribune*, May 8, 2018, accessed June 4, 2018, <https://www.sltrib.com/news/politics/2018/05/08/on-first-day-to-propose-bills-for-next-year>. All the gun safety bills discussed below are currently "in process" as to their final language prior to the 2019 session. The titles can be found at <https://le.utah.gov/documents/bill.htm> under "Bill Request," 2019 Session, under the name of the Senator or Representative. (For example, Rep. Handy - "'Extreme Risk' Protection Order" bill; Rep. King - "Universal Background Checks for Firearm Purchasers" bill; Rep. Arent - "Concurrent Resolution Urging Congress to Repeal the Dickey Amendment" bill and "Prohibition on the Sale of Firearm Modification Devices" bill; Rep. Weight - "Safe Storage of Firearms Amendments" bill.)

<sup>17</sup> The Utah-March for Our Lives web site illustrates its continuing political impact through 1) its Mission Statement, 2) a voter registration option, 3) the assignment of letter grades to 2018 legislative candidates (federal or state) who responded to MFOL's questionnaire, and 4) a 'get involved' tab listing its current scheduled events. See March for Our Lives Utah, "Not Just a March," <https://marchforourlivesutah.com/mission-statement>.

<sup>18</sup> Wendy Leonard, "'Never Again': Thousands in Utah Rally for Gun Reform, Safer Schools," *Deseret News*, March 24, 2018, accessed July 8, 2018, <https://www.deseretnews.com/article/900013833/utah-marchers-convene-to-support-nationwide-push-for-safer-schools-gun-control.html>.

<sup>19</sup> Utah Safe Schools Commission, "All of USS.....TOGETHER," June 2018, accessed July 7, 2018, <https://house.utah.gov/2018/06/20/utah-safe-schools-commission-report/>.

<sup>20</sup> Benjamin Wood, "Utah School Safety Panel Recommends Confiscating Guns in Cases of 'Extreme Risk,'" *Salt Lake Tribune*, June 20, 2018, accessed June 21, 2018, <https://sltrib.com/news/education/2018/06/20/court-ordered-confiscation-of-guns-top-school-safety-panels-list-of-recommendations/>. The Parkland killer provided a text book case of when a Red Flag law could be used to protect others. Kirk Johnson, "States Mull 'Red Flag' Gun Seizures From People Deemed Dangerous," *New York Times*, February 23, 2018, accessed February 25, 2018,

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<https://www.nytimes.com/2018/02/23/us/red-flag-guns.html>. A Red Flag bill, HB 483, was introduced by Rep. Steve Handy in the 2018 session, but failed to pass. It will be resubmitted in 2019. Marjorie Cortez, "Extreme Risk Court Order Would Allow Police to Remove Guns, Ammo From Violent, Unstable Individuals," *Deseret News*, March 4, 2018, accessed March 5, 2018, <https://www.deseretnews.com/article/9000012007/extreme-risk-court-order-would-allow-police-to-remove-guns-ammo-from-violent-unstable-individuals.html>.

<sup>21</sup> "Universal Background Checks," *Giffords Law Center*, accessed July 8, 2018, <http://lawcenter.giffords.org/gun-laws/policy-areas/background-checks/universal-background>. Rep. Brian King is sponsoring a Universal Background Check bill ("Universal Background Checks for Firearm Purchasers") that enjoys a 90% level of public support in Utah and nationally. King Comments, Utah Gun Safety Coalition dinner, Episcopal Diocese, Salt Lake City, June 13, 2018.

<sup>22</sup> The Congressional refusal to fund CDC research on gun violence has been noted above. Rep. Patrice Arendt is sponsoring both the "Concurrent Resolution Urging Congress to Repeal the Dickey Amendment" and the "Prohibition on the Sale of Firearm Modification Devices." Arendt Comments, Utah Gun Safety Coalition dinner, Episcopal Diocese, Salt Lake City, June 13, 2018. The Department of Justice has ordered the Alcohol, Tobacco, Firearms and Explosives Bureau (ATF) to evaluate the merits of prohibiting bump stocks, with the public comments phase ending at the end of June 2018. "Rulemaking, Bump-Stock-Type Devices," Bureau of Alcohol, Tobacco, Firearms and Explosives, March 29, 2018, accessed July 7, 2018, <https://www.atf.gov/rules-and-regulations/rulemaking>. However, the ATF has on 10 previous occasions concluded that bump stocks are legal under current law. Congressional action is the only route to making them illegal. Declan McCullagh, "ATF Flips on Bump Stock Ban, Some Gun Rights Groups Are Mad," *Reason*, June 27, 2018, accessed August 19, 2018, <https://reason.com/archives/2018/06/27/atf-flips-on-bump-stock-ban-some-gun-rig.print>. A handful of states have outlawed bump stocks, with limited success in getting citizens to turn them over to authorities, or destroy them. Matt Vasilogambros, "So States Ban Bump Stocks. Now How Do They Enforce The Law?," *Stateline (Pew)*, May 18, 2018, accessed June 29, 2018, <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/05/18/so-states-ban-bump-stocks-now-how-do-they-enforce-the-law>.

<sup>23</sup> "Violent Death Reporting System," *Violence and Injury Prevention Program, Utah Department of Health*, accessed September 9, 2018, <http://www.health.utah.gov/vipp/topics/nvdrs/prevention.html>.

<sup>24</sup> Amy Ellis Nutt, "Utah's Suicide Rate Has Shot Up 46.5% Since 1999--Making It The Fifth-Highest In The Nation," *Salt Lake Tribune*, June 7, 2018, accessed, June 8, 2018, <https://www.sltrib.com/news/2018/06/07/suicide-rates-rise-sharply-in-utah-and-across-the-country-new-report-shows/>.

<sup>25</sup> Luke Ramseth, "Utah's Governor Launches Youth Suicide Task Force as State Reveals 44 Suicide Deaths Among 10-To-17-Year-Olds in 2017," *Salt Lake Tribune*, January 17, 2018, accessed July 4, 2018, <https://www.sltrib.com/news/health/2018/01/17/utah-launches-youth-suicide-task-force-as-state-officials-reveal-a-2017-spike-to-44-suicide-deaths-among-10-to-17-year-olds/>.

<sup>26</sup> "Free Gun Locks: Store Them Safe," *Utah Department of Public Safety*, accessed July 5, 2018, <https://dpsnews.utah.gov/firearm-safety-store-them-safe/>. Rep. Elizabeth Weight's proposed bill requiring gun owners to employ trigger locks or secure storage when firearms are not in use has attracted opposition from the National Rifle Association. Lee Davidson, "Utah Lawmakers Debate Requiring Gun Locks: Lifesaver or Infringement of Rights?" *Salt Lake Tribune*, July 18, 2018, accessed July 24, 2018, <https://www.sltrib.com/news/politics/2018/07/18/utah-lawmakers-debate/>.

<sup>27</sup> "CDC Investigation Shows Youth Suicides in Utah Increasing," *Utah Department of Health*, November 30, 2017, accessed August 30, 2018, <https://health.utah.gov/featured-news/cdc-investigation-shows-youth-suicides-in-utah-increasing>.

<sup>28</sup> The Task Force proposed its recommendations under the severe time frame of one month. See the link found under Kylie Walsh, "Task Force Submits Youth Suicide Prevention Recommendations," *State of Reform*, February 2, 2018, accessed August 29, 2018, <https://stateofreform.com/wp-content/uploads/2018/02/02.20.2018-Memorandum-Teen-Suicide-Prevention-Task-Force-Recommendations.pdf>.

<sup>29</sup> "SafeUT," *University of Utah Health Care, University Neuropsychiatric Institute*, accessed June 25, 2018, <https://attorneygeneral.utah.gov/safeut-safety-crises-support/>. The app can be downloaded from Apple's App Store or Google Play. Congress recently passed legislation (with support from Utah's Rep. Chris Steward and Sen. Orrin Hatch) to conduct a feasibility study for a national three-digit suicide hotline. See "Nation's Largest Suicide Prevention Organization Thanks Members of Congress for Passing the National Suicide Hotline Improvement Act (H.R. 2345 & S. 1015)," *American Foundation for Suicide Prevention*, July 23, 2018. The current 24/7 National Suicide Prevention Hotline can be reached at 1-800-273-TALK (8255).

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- <sup>30</sup> Marjorie Cortez, "University of Utah Shouldering Growing Costs of SafeUT App as Use Proliferates," *Deseret News*, August 14, 2018, accessed September 4, 2018, <https://www.deseretnews.com/article/900028136/university-of-utah-shouldering-growing-costs-of-safeut-app-as-use-proliferates.html>.
- <sup>31</sup> Luke Ramseth, "With Youth Suicides at 'Epidemic Proportions,' Utah Panel Calls for Expanding Mental-Health Support, Outreach and Encouraging more Gun Locks," *Salt Lake Tribune*, February 20, 2018, accessed August 28, 2018, <https://www.sltrib.com/news/2018/02/20/with-youth-suicides-at-epidemic-proportions-utah-panel-calls-for-expanding-mental-health-support-outreach-and-encouraging-more-gun-locks/>.
- <sup>32</sup> Kyle Fitzpatrick "In A State Plagued By Suicide, 1 Researcher Is Taking A Revolutionary Approach," *Popsugar*, June 25, 2018, accessed July 10, 2018, <https://www.popsugar.com/news/Michael-Staley-Suicide-Prevention-LGBTQ-Pride-Interview-44857243>.
- <sup>33</sup> Kelly Gifford, "Utah School Districts Block Sexual-Orientation Questions on Student Survey," *Salt Lake Tribune*, April 6, 2017, <http://archive.sltrib.com/article.php%3Fid%3D513276%26itype%3DCMID>. A 2016 joint CDC and Utah Health Department project, Youth Risk Behavior Survey, fell through after two school districts (Davis and Cache) refused to allow a sexual orientation question that could potentially help address Utah's suicide epidemic.
- <sup>34</sup> The Federal Bureau of Investigation has confirmed that hate crimes have risen nationally by 40% since 2015. In Utah, the majority of the 66 hate crimes reported in 2016 were aimed at persons perceived to be of a given race or religion. Jennifer Dobner, "Salt Lake County Joins the Push for Stiffer Utah Hate Crimes Law," *Salt Lake Tribune*, January 9, 2018, accessed January 10, 2018, <https://www.sltrib.com/news/2018/01/10/slco-joins-the-push-for-stiffer-utah-hate-crimes-law/>.
- <sup>35</sup> That the Federal Bureau of Investigation officially identifies between 5,000 to 6,000 annual hate crimes "vastly understates" the numbers, according to the Bureau of Justice Statistics, which estimates 250,000 such crimes. The primary reasons are: 1) only one-half of the victims contact the police, 2) law enforcement agencies are not required to categorize hate crime data or report it to the FBI, and 3) 9 of 10 cooperating agencies claim zero incidents occurred in their jurisdiction. Swarthy Shanmugasundaram, "Hate Crimes, Explained," *Southern Poverty Law Center*, April 15, 2018, accessed August 8, 2018, <https://www.splcenter.org/20180415/hate-crimes-explained>.
- <sup>36</sup> Daphne Chen, "Utah Senator Revives Proposal to Beef Up State's Hate Crime Laws," *Deseret News*, September 21, 2016, accessed November 26, 2016, <http://www.deseretnews.com/article/865662984/Utah-senator-revives-proposal-to-beef-up-states-hate-crimes-laws.html?pg=all>.
- <sup>37</sup> Ben Winslow, "LDS Church Issues Statement on Hate Crimes Bill," *Fox 13*, February 17, 2016, accessed September 16, 2016, <http://fox13now.com/2016/02/17/lds-church-issues-statement-on-hate-crimes-bill/>. The LDS Church issued the following statement on the 2016 Hate Crimes bill: "The Utah Legislature achieved something extraordinary last year in arriving at legislation that protected both religious liberty rights and LGBT rights. Interests from both ends of the political spectrum are attempting to alter that balance. We believe that the careful balance achieved through being fair to all should be maintained."
- <sup>38</sup> Taylor Stevens, "State Legislator Calls On Mormon Church Leaders to Take a Stance. Are They For or Against His Hate Crimes Bill?" *Salt Lake Tribune*, December 7, 2017, accessed December 8, 2017, <http://www.sltrib.com/news/politics/2017/12/07/state-legislator-calls-on-lds-church-leaders-to-take-a-stance-are-they-for-or-against-his-hate-crime-bill/>.
- <sup>39</sup> Dennis Romboy, "Utah Faith Leaders Refer to Joseph Smith in Urging Lawmakers to Pass Victim Targeting Bill," *Deseret News*, January 23, 2018, accessed January 24, 2018, <https://www.deseretnews.com/article/900008321/utah-faith-leaders-refer-to-joseph-smith-in-urging-lawmakers-to-pass-victim-targeting-bill.html>.
- <sup>40</sup> Pamela Manson, "In Hate Crime Trial, Utah Man Testifies Neighbor Assaulted Him with Stun Device, Yelled Racial Slur at His 7-Year-Old Son," *Salt Lake Tribune*, March 20, 2018, accessed, March 20, 2018, <https://www.sltrib.com/news/politics/2018/03/20/in-hate-crime-trial-utah-man-testifies-neighbor-assaulted-him-with-stun-device-yelled-racial-slur-at-his-7-year-old-son/>.
- <sup>41</sup> Pamela Manson, "Utah Jury Says Man Violated Black Family's Housing Rights in a Hate Crime," *Salt Lake Tribune*, March 21, 2018, accessed March 22, 2018, <https://www.sltrib.com/news/politics/2018/03/21/hate-crime-trial-jury-gets-case-will-decide-if-defendent-violated-black-familys-housing-rights/>.
- <sup>42</sup> Scott D. Pierce, "Convicted of Hate Crime, Ex-Utah Man Delivers Racist Rant before His Sentencing," *Salt Lake Tribune*, May 25, 2018, accessed June 4, 2018, <https://www.sltrib.com/news/2018/05/25/convicted-of-hate-crime-ex-utah-man-delivers-racist-rant-before-his-sentencing/>. Prosecutors had asked for a sentence of nearly 4 years.
- <sup>43</sup> Erin Alberty, "A Mob Was Yelling Slurs and Chasing Gay People after Utah's Pride Festival. One Man Stepped in to Fight Them Off," *Salt Lake Tribune*, June 6, 2018, accessed June 7, 2018, <https://www.sltrib.com/news/2018/06/05/police-say-man-attacked-by-mob-after-utah-gay-pride-festival/>. Terrance



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Mannerly, the young African-American hero of the Doki Doki incident, noted that he himself had been "jumped like that."

<sup>44</sup> Annie Knox, "Group Offers Reward for Info on Alleged Attack near Pride Festival," *Deseret News*, June 6, 2018, accessed June 7, 2018 <https://www.deseretnews.com/article/900020856/group-offers-reward-for-info-on-alleged-attack-near-pride-featival.html>.

<sup>45</sup> Taylor W. Anderson, "As Lawmakers and Advocates React to a Rash of Inmate Deaths, the Operating Standards Created For County Jails by a Former Utah Prison Boss Remain a Secret," *Salt Lake Tribune*, October 29, 2017, accessed November 1, 2017, <http://www.sltrib.com/news/politics/2017/10/29/former-utah-prison-boss-spreads-his-jail-philosophies-nationwide-through-standards-training-and-the-legal-system/>.

<sup>46</sup> The death of Lisa Marie Ostler in the Salt Lake County jail while going through opiate withdrawal and suffering from Crohn's disease provides an example. Taylor W. Anderson, "I'll Bet it Feels Like You're Going to Die, Doesn't it? Salt Lake County Jailers Thought Inmate was Withdrawing from Heroin Before Her 2016 Death, Family Says," *Salt Lake Tribune*, March 22, 2018, accessed March 23, 2018, <https://www.sltrib.com/news/politics/2018/03/23/ill-bet-it-feels-like-youre-going-to-die-doesnt-it-salt-lake-county-jailers-thought-inmate-was-withdrawing-from-heroin-before-her-2016-death-family-says/>.

<sup>47</sup> Mark Shenefelt, "ACLU to Push for Utah Jail Inspection Requirements after High Number of Deaths," *Standard-Examiner*, May 24, 2017, accessed January 29, 2018, [https://www.standard.net/police-fire/aclu-to-push-for-utah-jail-requirements-after-high/article\\_dbb6578c-a555-57c0-b82e-8c43b0a37039.html](https://www.standard.net/police-fire/aclu-to-push-for-utah-jail-requirements-after-high/article_dbb6578c-a555-57c0-b82e-8c43b0a37039.html). The ACLU led a campaign for mandatory jail inspections because these voluntary audits had no penalties and were not subject to independent reviews.

<sup>48</sup> McKenzie Romero, "Sheriff's Association Fields Questions from Lawmakers about Jail Standards," *Deseret News*, November 2, 2017, accessed November 3, 2017, <https://www.deseretnews.com/article/900003355/sheriffs-association-fields-questions-from-lawmakers-about-jail-standards.html>. In January 2018, DeLand agreed to release his standards over a period of months while new standards are being constructed by the Utah Sheriffs Association in tandem with the Utah Department of Corrections. Mark Shenefelt, "Utah Sheriffs Association, Utah Corrections to Develop New Jail Standards," *Standard-Examiner*, January 26, 2018, accessed January 29, 2018, [http://www.standard.net/police-fire/utah-sheriffs-association-and-utah-corrections-to-develop-new-jail-standards/article\\_a6a9852e-feb9-5ff9-95d2-4046f9bfbae3.html](http://www.standard.net/police-fire/utah-sheriffs-association-and-utah-corrections-to-develop-new-jail-standards/article_a6a9852e-feb9-5ff9-95d2-4046f9bfbae3.html).

<sup>49</sup> Lee Davidson, "After a Spike in Deaths, Bill Advances to Require Jails to Report How Many Inmates Die Every Year," *Salt Lake Tribune*, February 22, 2018.

<sup>50</sup> Taylor W. Anderson, "Noting Utah's High Inmate Death Rate, Lawmakers Want Jails to Report on In-Custody Deaths Every Year," *Salt Lake Tribune*, February 22, 2018.