



# Relief from Abuse Case Processing and Firearm Relinquishment

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# Relief from Abuse Orders Case Processing and Firearms Relinquishment

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## **Executive Summary**

Domestic violence is a national and Vermont public health crisis. The Vermont Department of Health estimates that up to 16% of adult Vermonters have experienced either fear, control, or violence at the hands of an intimate partner. In Vermont, a victim may seek a Relief from Abuse Order (RFA) in the Family Division of Superior Court. As part of the process, the victim may also request that a defendant relinquish their firearms. This study examines general case processing statistics for RFAs, how often firearm relinquishment is requested, and if granted, who is the designated holder of the weapons. The report also documents the processes related to serving orders and storing and returning weapons.

## **Methods**

Researchers worked with the Vermont Judiciary to create an extract of RFA cases to answer quantitative questions. They also conducted interviews with court personnel, police officers, and licensed firearms dealers.

## **Findings**

- Bennington County has the highest rate of disposed RFA dockets per 1,000 of the population. Chittenden County has the lowest.
- Seventy percent of denied temporary orders are not pursued to final orders.
- Fifty-eight percent of all requested temporary orders are granted.
- Most RFAs (59%) are between parties who are current or former household members.
- Women are overrepresented as plaintiffs (74%) as compared to the general population. Men are overrepresented as defendants (75.8%).
- The Judiciary does not record in the case management system whether a request to relinquish was made by the plaintiff.
- The rate of relinquishment orders mirrors the estimated firearm ownership rates.
- Essex and Orange Counties had the highest rate of firearm relinquishment orders.
- Bennington and Rutland Counties has the lowest rate of firearm relinquishment orders.
- Temporary RFAs with a relinquishment order are more likely to continue to a final hearing.

## **Recommendations**

This is the first report on RFA and firearm relinquishment data in Vermont and the first report outlining the relinquishment and storage process. Based on the information CRG has developed suggestions for practice, policy, and further research

- The new Judiciary case management system is an improvement over the previous system. However, the system does not store information on whether the plaintiff requests firearm relinquishment. The Judiciary is encouraged to modify its system to store this information.
- Seizure and storage of firearms is a time-consuming process for police and may place a victim at additional risk if a search warrant is required. Stakeholders should work to find ways to streamline this process in accordance with federal and Vermont statutory and constitutional law.
- The Judiciary should adopt a practice to notify police departments when final orders are issued or denied.
- Stakeholders should work to improve communication and information sharing about storage fees and return processes to owners of relinquished firearms.
- Further research is needed to understand how the multiple systems (criminal, civil, community, and corrections) designed to protect victims are functioning in the counties.
- More research is needed to understand the overlap of laws and protections that keep firearms away from people who might abuse them.

## Introduction

Domestic violence is a national and Vermont public health crisis. The Vermont Department of Health estimates that up to 16% of adult Vermonters have experienced either fear, control, or violence at the hands of an intimate partner.<sup>1</sup> Since 1994, almost half of Vermont's homicides have been domestic violence related. Firearms were used in about half of the domestic violence homicides during that time.<sup>2</sup> It is well established that risk factors for domestic homicide include when the parties live together, when the victim tries to leave the relationship, and when the abuser has access to firearms.<sup>3</sup>

A patchwork of laws protect victims of domestic violence from further violence and gun violence. In Vermont, a victim may seek a Relief From Abuse Order (RFA) in the Family Division of Superior Court, file a police report and go through the criminal process and gain protection from criminal court orders. If the perpetrator is under supervision from the Department of Corrections, victims may choose to report abuse to the supervising officer to gain safety through the department's process. Multiple avenues to legal protection give victims agency in choosing the best option for them. This report focuses on the RFA process.

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<sup>1</sup><https://www.healthvermont.gov/sites/default/files/document/HSI-BRFSS-2022-DataSummary.pdf>

<sup>2</sup><https://legislature.vermont.gov/assets/Legislative-Reports/DVFRC-2022-report.FINAL.pdf>

<sup>3</sup><https://www.ojp.gov/pdffiles1/jr000250e.pdf>

Working with stakeholders, Crime Research Group (CRG) identified research questions about RFAs and firearm relinquishment:

1. What are the general case processing statistics for RFAs?
2. How often is firearm relinquishment requested?
3. How often is it granted; who is designated the holder of the weapons?
4. How is the order carried out when police are designated as the custodians?

## **Methods**

CRG used a mixed methods approach to answer the above questions. CRG worked with the Judiciary to create an extract of RFA cases to answer the quantitative questions. CRG also conducted interviews with court personnel, police officers, and licensed firearms dealers across the state. From these interviews, we documented the processes used to inform police of orders, how the orders are carried out, and how the firearms are stored and returned to the persons subject to the orders.

## **Quantitative Data**

The Judiciary provided CRG with an extract of all RFA cases filed and disposed from March 2021 through March 2022 (13 months of data). There were 3,692 cases in the data. CRG defined cases by the docket number. All people involved in the docket constituted a case, as did all types of requests (e.g., temporary, final, or extended orders). The Judiciary was able to provide data as to whether weapons were ordered removed and the holder of the weapons. The Judiciary was not able to provide information on whether there was a requested removal of firearms. CRG manually looked up 100 random cases to determine if a request was made.

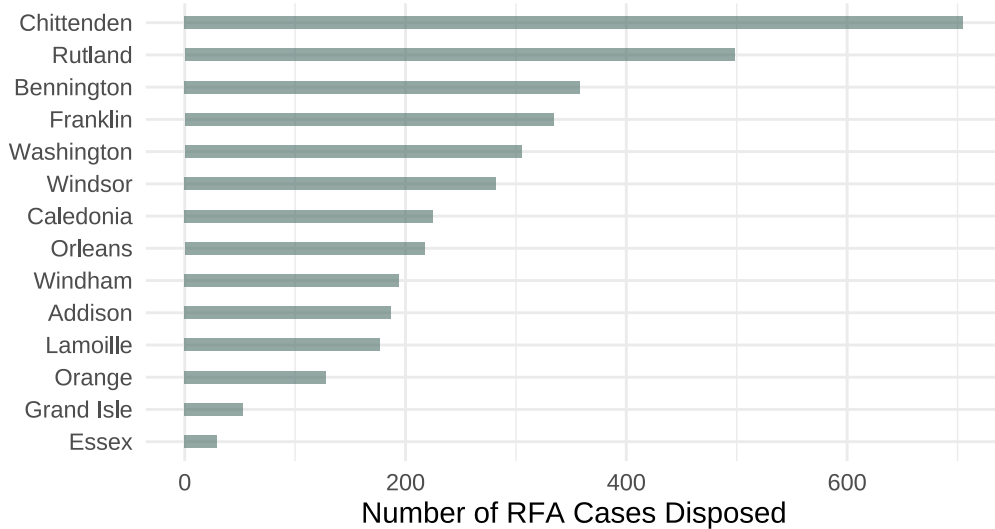
## **RFA Case Processing**

People seeking an RFA file a petition the Family Division of any Superior Court in the state. They do not have to file in the county where the abuse took place or where the defendant resides. They can file in the county where they feel safest. To file, the plaintiff needs to fill out a complaint form, an affidavit, a service of process, and a form to keep their address confidential. Once filed, the court decides on the emergency application for temporary relief. If the order is granted, a hearing is scheduled to determine if a final order will be issued. If a temporary order is denied, the plaintiff can still request a final hearing.

For purposes of this study, an RFA case includes the temporary, final and any extended orders that were issued. Cases are identified by the docket number, a unique number assigned to

the case. Figure 1 shows the number of RFA cases disposed of by county during the study period.

**Figure 1: Number of RFA Cases Disposed by County**  
March 2021- March 2023

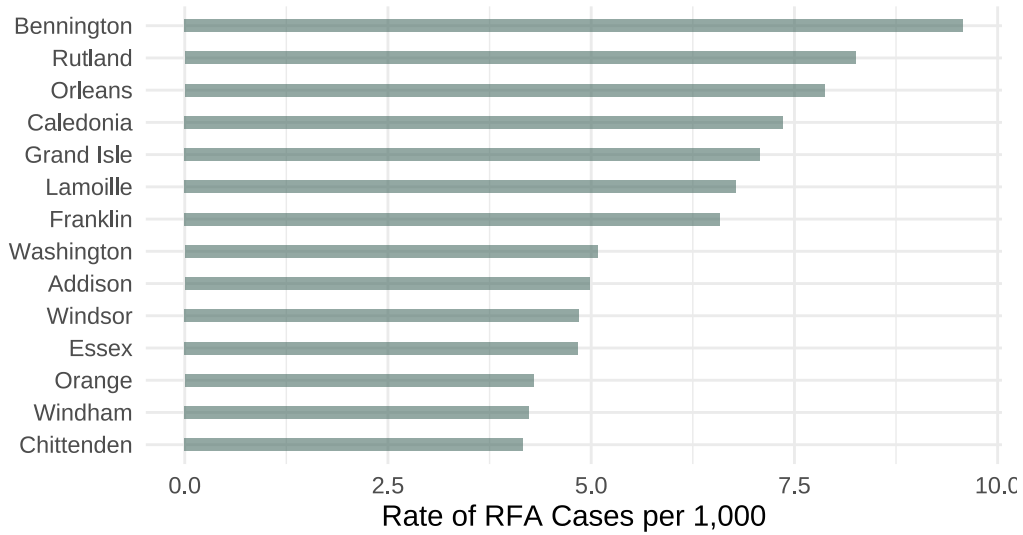


Source:CRG RFA Extract

Figure 2 displays the rate of dockets disposed per 1,000 of the population. Bennington County has the highest rate per 1,000 of the population and Chittenden the lowest. The Vermont Department of Health estimates that intimate partner abuse occurs at the same rate in all the counties.<sup>4</sup> RFAs cover intimate partner, household members, and family members. There is no evidence to suggest that household, family, and intimate partner violence is not equally distributed. The difference in the rate per 1,000 of the population in the counties should be explored. It could be that victims in Chittenden county prefer to use the police and criminal justice process because that is more accessible (most towns in Chittenden county have their own police departments), while Bennington county has fewer municipal agencies, and, therefore the family court system may be more accessible.

<sup>4</sup><https://www.healthvermont.gov/sites/default/files/2023-02/HSI-BRFSS-2021-DataSummary.pdf>

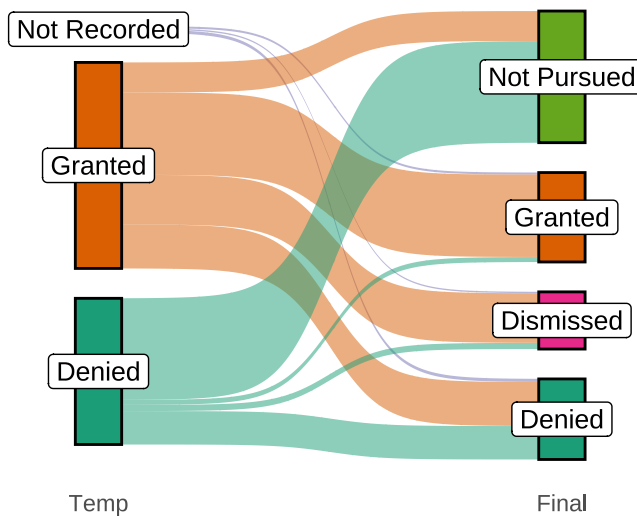
**Figure 2: Rate of RFA Case per 1,000 Population by County**  
 March 2021-March 2023



Source:CRG RFA Extract

Figure 3 shows the case flow of temporary orders to final relief. Seventy percent of denied temporary orders are not pursued to final orders. Of the temporary orders that are granted, 40% are granted final relief.

**Figure 3: Case Flow of Temporary RFA Requests to Final Dispositions**  
 March 2021 - March 2023





Most temporary orders sought in Vermont are granted. The statewide average is 58.7% of all requested temporary orders. However, Rutland county falls outside two standard deviations from the average. The standard deviation, a measure of variance in the data, is 5.56. The hypothesis is that 95% of all cases will fall within two standard deviations. Two standard deviations from the average would be 47.76%, and Rutland granted 47.38% of all temporary orders. Understanding this result requires further research.

**Table 1: Percent of Temporary Orders Denied/Granted by County**

March 2021-March 2022

County	Denied	Granted
Addison	36.02%	63.98%
Bennington	40.85%	59.15%
Caledonia	36.89%	63.11%
Chittenden	41.42%	58.58%
Essex	46.43%	53.57%
Franklin	40.52%	59.48%
Grand Isle	50.00%	50.00%
Lamoille	46.55%	53.45%
Orange	36.72%	63.28%
Orleans	36.84%	63.16%
Rutland	52.62%	47.38%
Washington	38.25%	61.75%
Windham	34.72%	65.28%
Windsor	39.50%	60.50%

### Demographics of the Parties

The RFA process asks plaintiffs to classify their relationship to the defendant. Plaintiffs are also required to provide the dates of birth for themselves, the defendant, and any children involved in the case. The average age of the defendants was 38.3 years old. Plaintiffs were, on average, 39.4 years old. Minor children, involved in the case but who were not the victims of abuse averaged 7.6 years. The average age of children who were subject to abuse was 3.7 years old. Race/Ethnicity and sex/gender are not asked or recorded as part of the RFA process. However, if a person in the case has a prior criminal, juvenile family court case, or traffic ticket, then race/ethnicity and sex/gender may be present in the data.

## Relationship Status

Court data include the relationship of all parties in the case. The categories of relationships are reflective of the categories of a pre-2024 complaint form. The categories do not distinguish between non-married intimate partners living in the same home, siblings sharing the home, or roommates to split expenses. All of those relationships are coded as “Family/Household members now.” Table 2 shows the number of people in each category in the data. The “Other” category includes attorneys, caseworkers, police officers, and witnesses.

**Table 2: Type of Relationships in RFA Cases**

March 2021- March 2023

Relationship	n	percent
Family/Household members now	4652	32.12%
Family/Household members in the past	3918	27.05%
Current Spouse	2404	16.60%
Other	1724	11.90%
Child	1067	7.37%
Former Spouse	633	4.37%
Minor with past dating relationship	59	0.41%
Minor with present dating relationship	25	0.17%
Total	14482	100.00%

## Race Data

Race data are present only when the person has had prior criminal, juvenile, or traffic violations. In those cases, the race data are a mixture of self-report or observed race that is entered into the race field in Odyssey<sup>5</sup>. The court data treat Hispanic as a race and for these data, do not have a separate ethnicity category. Race categories in the data set include Asian, Black, Hispanic, Other, Unknown, or White. The Odyssey system does have a category for Indigenous/Native American race, but that code did not appear in these data. Race was missing (not recorded at all) or Unknown in 61% of the people who were parties to the case.

Table 3 shows the recorded race by party. Defendants had the lowest percentage of race recorded as “Unknown” in other prior judicial contexts. Defendants who were Black were over-represented given their population in Vermont. The 2020 Census estimates the Black population (Black alone or Black in combination) in Vermont at 2.2% of the population.

<sup>5</sup>Odyssey was the name of the Judiciary’s case management system at the time of the extract. It has since been renamed to Enterprise Justice.

**Table 3: Race of the Parties in RFA Cases**

March 2021- March 2023

Party	Asian	Black	Hispanic	Other	Unknown	White
Defendant	0.71%	5.15%	0.07%	0.60%	13.86%	79.62%
Minor	0.16%	0.00%	0.00%	0.00%	77.60%	22.24%
Minor Child Abused Plaintiff	0.00%	0.00%	0.00%	0.00%	63.93%	36.07%
Plaintiff	0.00%	2.07%	0.00%	0.49%	24.61%	72.84%
Plaintiff on Behalf of Minor	0.00%	0.90%	0.00%	0.90%	31.14%	67.07%

**Gender Data**

Like race data, sex/gender of the parties is collected by police or other agencies and entered into the Judiciary’s system. There is a variation across the agencies in how they record this information. Some agencies ask for sex and some for gender. The data are a mix of self-report and observed. The Judiciary labels the field “gender” and has the following categories: Male, Female, Non-Binary, Unknown. If the Judiciary’s data had no category listed in the gender field, CRG labeled the data “missing”.

Table 4 shows the sex/gender breakdown of the parties in the case. Women are overrepresented as plaintiffs (73.58%) and as plaintiffs on behalf of minor children (61.8%). Men are overrepresented as defendants (75.48%).

**Table 4: Gender by Party Type in RFA Cases**

March 2021- March 2023

Party Type	Female	Male	Non Binary	Unknown
Defendant	23.73%	74.48%	0.16%	1.64%
Minor	40.13%	39.89%	0.00%	19.98%
Minor Child Abused Plaintiff	42.92%	40.57%	0.00%	16.51%
Plaintiff	73.58%	24.15%	0.37%	1.90%
Plaintiff on Behalf of Minor	61.81%	35.32%	0.00%	2.87%

**Measuring Requests to Relinquish**

The Judiciary provides forms to request an RFA and a form for the affidavit in support of the request. In February 2021, the complaint form was modified to include a request for relinquishment of firearms. The affidavit already included a question asking whether the plaintiff

knew if the defendant had firearms and if they had been used against the plaintiff in the past. In addition to the forms, a person can make an oral request at the hearing.

CRG looked up 100 randomly selected cases where an RFA (temporary or final) was issued and the data did not indicate that the firearms were ordered held. CRG reviewed the complaint and affidavit forms online in the Odyssey portal. Eight of the cases could not be found in the system because they were sealed. Eleven cases used pre-2021 forms and there was no documentation of a relinquishment request.

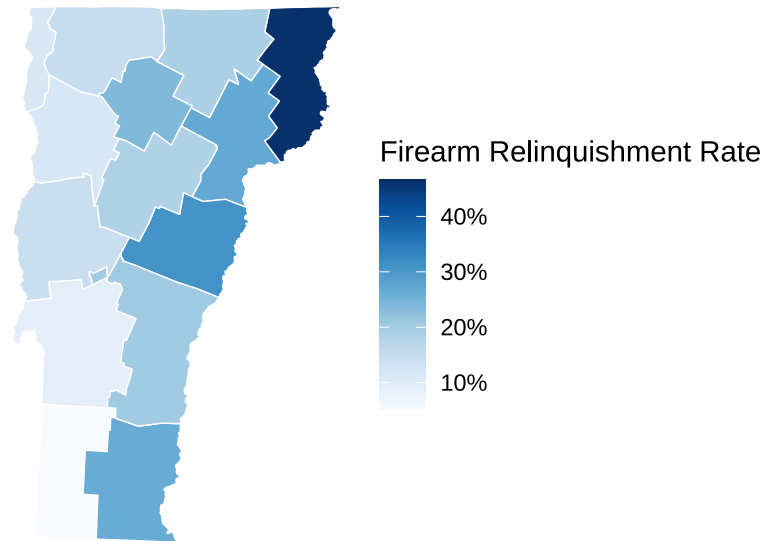
In eleven cases, the plaintiff requested relinquishment. Of these, six plaintiff's did not know, or did not indicate, whether the defendant possessed firearms. In five cases, the plaintiff indicated that the defendant possessed firearms. In one case the RFA paper order indicated that the court had ordered the defendant to relinquish, but the extract provided by the Judiciary did not contain that information. In another case, the extract indicated that the temporary request was granted, however, according to the case file, it was denied.

### **Relinquishment Orders in Temporary RFA Orders**

For this analysis, CRG analyzed temporary and final requests separately. The data had 3,614 dockets requesting temporary relief. This was 97% of all cases provided. The temporary relief from abuse order was granted in 2,108 (57%) of the cases. Of those cases, the firearms were ordered removed in 354 cases (16%).

Figure 4 illustrates the percentage of granted temporary orders, by county, where there was an order to relinquish firearms. Essex and Orange counties had the highest rate of relinquishment orders. In Essex 20% of the temporary orders issued also ordered the defendant to relinquish firearms. However, there were only 29 temporary orders in Essex during the study period, seven of those contained an order to relinquish firearms. In Orange county, 19.5% of the temporary orders had a relinquishment order. It had 128 temporary orders during the study period and 25 had the relinquishment order. Bennington and Rutland counties had the lowest rates of relinquishment. Bennington had 355 temporary orders, and 11 (3%) had the relinquishment order. Rutland had 497 temporary orders, and 22 (4%) had the relinquishment order.

**Figure 4: Relinquishment Rate in Temporary RFA Orders**  
March 2020-2021



The relinquishment rate in temporary RFAs by county (Figure 4 above) resembles the gun ownership rate estimated by the Vermont Department of Health that is presented in Figure 5. Orange county has the largest gun ownership, with 60% of households estimated to have firearms. Orleans has the second largest gun ownership at 59%, followed by Essex at 54% of households. Chittenden county has the lowest percentage of household gun ownership at 30%, followed by Windham at 38%.

**Figure 5: Estimated Firearm Ownership Rate**  
March 2020-2021

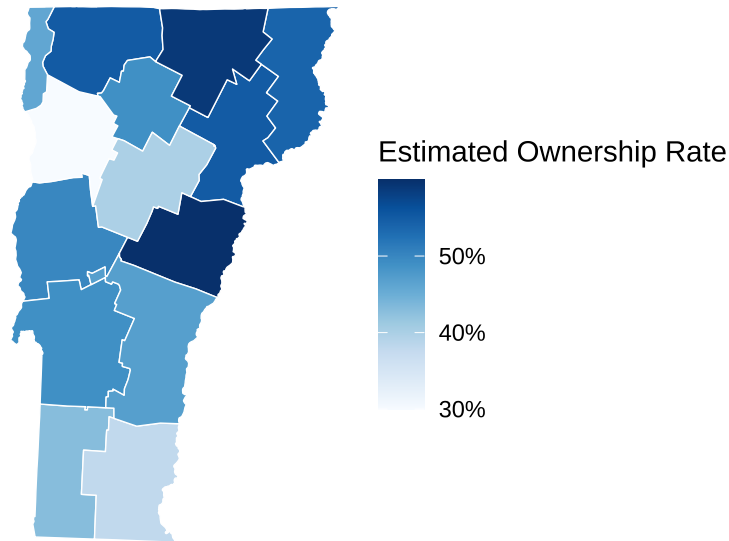


Table 5 shows the relationships of the parties to each other. Thirty four percent of the people involved in cases where the relinquishment was ordered were current household members. This category includes roommates, family members, and romantic relationships. Minor children, whether related to the defendant or not, were involved in 5.5% of the cases where relinquishment was ordered. There were no statistical relationships between the type of relationship and the relinquishment of firearms.

However, the presence of an attorney was statistically correlated ( $p = .000$ ) to an order of firearms relinquishment. Attorneys were involved in 4.9% (178) of all temporary granted orders, attorneys were involved in 9.8% (35) orders with relinquishment.

**Table 5: Type of Relationship by Relinquishment Order**

Relationship	NO	YES
Other	12.06%	10.39%
Minor with present dating relationship	0.17%	0.19%
Minor with past dating relationship	0.41%	0.38%
Former Spouse	4.41%	4.04%
Family/Household members now	31.85%	34.45%
Family/Household members in the past	27.67%	22.00%
Current Spouse	15.83%	23.03%
Child	7.59%	5.52%
Total	100.00%	100.00%

Law enforcement was the most common holder of the firearms. No holder was specified in Odyssey about 5% of the time. In one case, there was a clear error when someone typed in the justification for the order but not the holder. For the seven cases where the holder was “Other”, three were the “servicing officer”, one was the plaintiff, and the others were data quality errors. Table 6 shows the number of cases where the specific weapons holder was named.

**Table 6: Persons Ordered to Hold Weapons**

Holder of Weapons	n	Percent
Law Enforcement	324	91.78%
NA	18	5.10%
Other-specify below	7	1.98%
Firearms Dealer	2	0.57%
Handgun used to Threaten Plaintiff	1	0.28%
Royalton VSP	1	0.28%

Three hundred ten (95%) of the 324 cases where weapons were ordered relinquished had a request for a final order disposed during the study period. Some final cases could still have been pending at the time the data were pulled. Whether or not the firearms were ordered relinquished in the temporary stage was correlated ( $p = .000$ ) to the type of hearing in the final stage. Figure 6 shows that the final hearings where there were no prior relinquishment orders were more likely to be “default” at the final hearing. This could be that the plaintiff or defendant failed to appear. Final hearings where there was a prior relinquishment order, were more likely to be “contested” and “uncontested” (where the parties stipulate to the final order). People who have a temporary order with firearm relinquishment are more likely to follow through with pursuing a final order.

**Figure 6: Type of Final Hearing by Temporary Order Relinquishment**

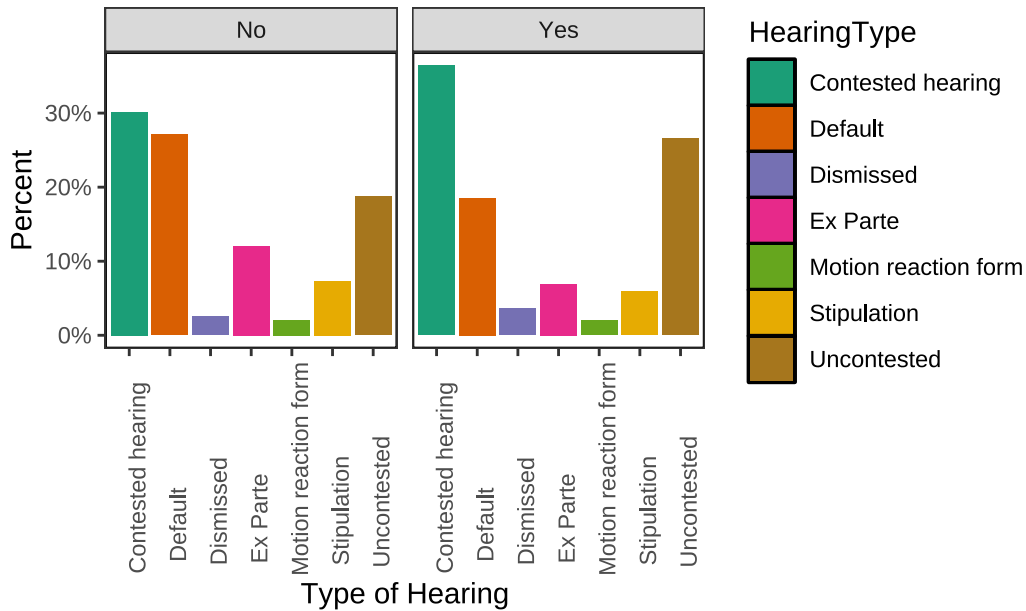


Table 7 shows the last disposition for a final order where there was firearm relinquishment in the temporary order. Just over half were granted. Of the fourteen that were vacated, the data included an earlier final granted order for five of those 14.

**Table 7: Final RFA Disposition**  
March 2021- March 2023

Decision	n	percent
Denied	48	15.48%
Dismissed	79	25.48%
Granted	166	53.55%
Vacated	14	4.52%
Withdrawn	3	0.97%
Total	310	100.00%

Table 8 shows the percentages of granted final orders (in prior relinquishment cases) that continued the order to have the weapons held. There were county differences in the percentage of final orders where the weapons were held, but they were not statistically significant ( $p = .67$ ). Weapons were not ordered held in 67% of the cases. However, Vermont law prohibits anyone who is subject to a final RFA order from possessing firearms.<sup>6</sup>

<sup>6</sup><https://legislature.vermont.gov/statutes/section/13/085/04017a>



**Table 8: Final Order Relinquishment**

March 2021-March 2023

County	NO	YES
Addison	75.00%	25.00%
Bennington	75.00%	25.00%
Caledonia	63.64%	36.36%
Chittenden	68.18%	31.82%
Essex	0.00%	100.00%
Franklin	58.82%	41.18%
Grand Isle	100.00%	0.00%
Lamoille	66.67%	33.33%
Orange	71.43%	28.57%
Orleans	58.33%	41.67%
Rutland	70.00%	30.00%
Washington	80.00%	20.00%
Windham	77.78%	22.22%
Windsor	66.67%	33.33%

CRG spot-checked some of the dockets where weapons were not ordered held in the final order. There was not enough information in the dockets to understand why they might not continue to be held. For example, it could be that a criminal case is also prohibiting firearm possession. More research is needed to understand why.

There were 47 cases where weapons were ordered held in the final hearing, but they were not ordered held in the temporary order. An attorney was present in only eight of those cases. No factors (county, attorney, victim to offender relationship) were statistically correlated to these orders. Further research is needed to understand why these cases did not have a temporary order to remove.

### **Firearm Relinquishment Process**

In addition to court outcomes, CRG and stakeholders were interested in documenting the process by which the order from the court is transmitted to the police and then to the defendant for seizure. We also explored what happens to the firearms after they are seized as well as issues with the processes. CRG spoke with law enforcement, court personnel, and Federal Firearms Licensees (FFL) to map the process of firearm relinquishment.

After the court enters the order into its docketing system (Odyssey), the order is transmitted

to holding stations.<sup>7</sup> Orders are transmitted through VOWS (Vermont Orders and Warrants System) or emailed directly to holding stations. Holding stations ensure the order is transmitted to the police department responsible for serving orders in a specific geographic area. Upon receipt of the order, the police will proceed to serve the order and take possession of firearms. When the defendant is provided with the order not to possess firearms police are prepared for the following outcomes:

1. Defendant relinquishes the firearms.
2. Defendant arranges to turn over firearms over if they are not at the location of the service.
3. Defendant states they do not possess firearms.
4. Defendant refuses to turn over firearms.

If the Defendant refuses to turn over the firearms, police can arrest/charge the defendant for Violation of an Abuse Prevention Order or request a search warrant to obtain firearms. If the defendant states they do not possess firearms, police might consult with plaintiff to gain more information about the firearms.

After serving the order, police will notify the plaintiff that the order was served. The return of service is submitted to the court. After receiving the return of service, the court will docket a “service completed event” in Odyssey.

## **Storage**

When firearms are relinquished, they are taken to the police station and entered as evidence according to the agencies’ procedures or they can be taken directly to an entity that holds a Federal Firearms License (FFL). The initial storage location varies depending on the agreement between the police and the FFL.

Relinquished firearms are processed as non-evidentiary firearms when police take them to their stations. They are tagged and documented according to the evidence procedures that ensure safe storage and handling. It is common for police to take possession of many firearms at one time. They note that many people are collectors with a significant amount of firearms. These large seizures take more time to process and space for storage.

After processing the firearms, police may transfer the firearms to an FFL or keep possession of the firearms pending the final hearing. This process differs from region to region based on the police and FFL agreement. Because the process to return a firearm from an FFL requires more steps, some police will store the firearm until an extended or final order is issued.

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<sup>7</sup>A “holding station” refers to a facility or agency responsible for holding and managing warrants and court orders. These stations are central repositories for legal documents such as arrest warrants, search warrants, and court orders like subpoenas or restraining orders. Their primary function is to maintain accurate records of these documents and to facilitate their dissemination to relevant law enforcement personnel for execution.

The police will provide the contact information of the owner when a firearm is transferred to an FFL. The FFL may contact the owner at that time to inform them of the transfer and initiate payment for the storage. Fees do not begin to accrue until after the court issues a final relief from abuse order.

### **Final Hearing to Storage Disposition**

Within 14 days of the initial hearing, the court will hold a final hearing on the petition.<sup>8</sup> The outcome of the hearing determines the next phase of the firearm storage.

If the order is dropped, the defendant may be eligible to retake possession of the firearms. Prior to returning the firearm, the police will conduct a criminal background check to ensure the owner is eligible to retake possession. If the firearm is at an FFL, the owner must complete Federal Form 4473- Firearms Transaction Record, which triggers a background check. If the transfer is approved, the owner can take possession of the weapon after 72 hours. If there is a delay, the wait can be 10 days. If there is a denial, the FFL cannot return the firearm.

If the order becomes final and does not contain continued relinquishment, the police and FFL will follow the steps above to determine the disposition of the firearm. People who are subject to a final order are ineligible to possess firearms in Vermont. However, if there is no order for relinquishment the police/FFL may release the firearm to a person of the owner's choosing (provided fees, background checks etc are all clear).

If the relinquishment is continued, the firearms remain in the possession of the police or FFL. A Final Order may also contain a new order to relinquish firearms. In this case, the police will follow the service process described earlier in this report.

Each police agency has a process to check if a Final Order is issued. This is often a manual process where at some interval a police officer looks up cases in the Odyssey system. In some agencies, the Final Order initiates the transfer to an FFL.

### **Expiration of Final Order and Disposition of Firearm**

The owner is not automatically eligible to retake possession of a firearm upon expiration of the order. They must first petition the court to retake possession. If the court approves the request, the owner will present the paperwork to the FFL or police department holding the firearms.

The FFLs complete the following process at the expiration of the final order:

1. Allow the defendant 90 days to petition court.

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<sup>8</sup>The default is to have the hearing in this timeframe. However, the hearing can be continued and occur later than 14 days.

2. Send two certified letters to the last known address of defendant with information about retrieving firearms and paying fees.
3. If the owner appears to retrieve the firearms, they must complete Federal Form 4473, triggering the background check.
4. The owner must pay all fees associated with storage.

If a Final Order expires and attempts to contact the owner fail, the FFL can take possession of the firearm. If the FFL intends to sell the firearm it must be priced at fair market value<sup>9</sup>. Any monies the FFL accrues over the amount of the storage fee are required to be turned over to the owner. If the firearm is stored at a police station, the police can enter the firearm as permanent evidence. This can trigger a move to the Vermont Department of Buildings and General Services for storage and sale, or destruction, per policy.

## **Conclusion and Suggestions for Practice, Policy, and Further Research**

This is the first report to explore RFA and firearm relinquishment data in Vermont, and the first look at RFA processing since the Judiciary adopted the Odyssey case management system. It also is the first report to outline the disparate approaches that police take to storing relinquished firearms and the process by which information is transmitted to all parties requiring notice of temporary and final orders. CRG presented the findings here to a group of stakeholders as part of our collaborative approach to research. The following suggestions for practice and policy derive from those conversations.

### **Judiciary Data Collection**

Research is only as good as the data on which it is based. The Odyssey system is a marked improvement over the last system. It allows the Judiciary some flexibility in values for set fields and greater querying abilities than in the past. The data the Judiciary provided for this study did not allow accurate identification of intimate partner violence, family violence or other household violence. In July 2024, the Judiciary changed the complaint form for RFAs to more accurately identify the nature of the relationship. This should be reflected in the data going forward, allowing researchers to better understand relationship dynamics that lead to the initiation of the RFA process.

Currently, the Odyssey system does not store information on whether the plaintiff requests relinquishment or if the plaintiff knows that the defendant possesses firearms. These are pieces of information the Judiciary collects on the complaint and affidavit. Manual review of records is necessary to capture the data. Stakeholders strongly encourage the Judiciary to modify Odyssey to store this information.

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<sup>9</sup>For example, an FFL cannot sell a firearm worth \$1,000 for \$100.

The Vermont Supreme Court established the Judiciary Commission on Diversity, Equity, and Inclusion in January of 2022. The Commission is currently evaluating best practices in collecting demographic data related to race/ethnicity and gender identity. CRG has been involved in some of these efforts to ensure that the data on these important variables is more complete and accurate.

### **Stakeholder Engagement in Definitions Regarding Relinquishment**

Changing court databases to capture new information is not an easy process. Currently, the only way to measure relinquishment rates is through the court documents. If court documents are to be used as the primary source for measurement, stakeholders and researchers should work together to develop a rubric for scoring the documents. A rubric would record, for example, whether there was evidence in the pleadings that the defendant did possess firearms. A rubric could also record whether firearms had been used against the plaintiff in the current case or in the past. Using the pleadings as the basis for research will be labor intensive. Perhaps there are other avenues stakeholders can explore, such as a court watching approach, to be able to document and answer this question.

### **Storage and Seizure of Firearms**

The main concern from police was the ability to store the firearms. It was noted that many defendants can own a large amount of firearms. One person described a situation where 100 firearms were taken. Many stations are not equipped to properly store these firearms in the long term. In situations where the defendant claims they do not possess firearms, police must take additional steps to ensure that they can remove the firearms or ensure there are no firearms present. Seeking a search warrant takes time and places a victim in additional risk. Stakeholders should work to find ways to streamline this process in accordance with federal and Vermont statutory and Constitutional law.

### **Communication**

Police and FFLs expressed frustration with both the Judiciary's lack of communication and the ineffectiveness of communication. As an example, the Judiciary orders the police to be the weapons holder for the temporary RFA order, but they are not notified when the final order is issued or denied. The Judiciary should adopt a practice of notifying police departments when they are ordered to hold weapons based on final order decisions.

FFLs expressed frustration with defendants' lack of knowledge about firearms fees or the process to resume possession of their firearms. FFLs can charge a storage fee that is related to

the expenses of processing and storage of firearms. In general, these fees cover an intake, insurance, and any maintenance needed prior to selling a firearm. The fees apply to each firearm and can become costly when multiple firearms are stored. The Judiciary does communicate with the defendant at the time of the order, and the it's website provides information about the process. However, it could be over a year from the original relinquishment order to the expiration of a final order. Stakeholders should work to find ways to continue communication about process and fees throughout the duration of the order.

## **Further Research**

### **Geographical Justice**

The case processing portion of this study indicates a geographical disparity on the usage of the RFA process per 1,000 of the population. Further research is needed to understand how the multiple systems (criminal, civil, community and corrections) designed to protect victims of domestic violence are functioning in the counties. This will help stakeholders and policy makers determine where best to deploy resources and understand the needs of the community.

The case processing portion of the study also identified Rutland county as an outlier. The county has the highest rate of denied temporary orders –and more than expected. This study was only 13 months of data, and the finding may not hold true as more years are analyzed.

### **Competing Orders**

The RFA firearm relinquishment process is just one avenue available to keep firearms away from people who might abuse them. What isn't known in these data is how many defendants were already subject to some type of order that already prohibited them from possessing firearms. They may be subject to a criminal court order not to possess firearms; they may already be disqualified from possessing firearms under the Brady Act or local law. More research is needed to understand the overlap of laws and protections and how well they protect victims.