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Domestic Violence Crisis Center
Serving the communities of
Stamford, Norwalk, Westport,
New Canaan, Darien, Wilton
and Weston

Date: March 11, 2010

To: Senator McDonald, Senator Doyle, Representative Walker, Representative Lawlor and members of the Human Services and Judiciary Committees.

Re: Support for Creating an Option to Extend Criminal Orders of Protection Beyond the Disposition of an Abuser's Criminal Court Case

Dear Sen. McDonald, Sen. Doyle, Rep. Walker, Rep. Lawlor and Members of the Committee:

Thank you for this opportunity to testify in support of creating an option to extend criminal orders of protection for victims of domestic violence beyond the disposition of the abuser's criminal court case.

As advocates working with victims of domestic violence whose abusers have been charged with domestic violence crimes, one of the most important safety planning tools we have available to us is the option to request that the court issue an order of protection. Protection orders enhance victim safety by, among other things, prohibiting certain otherwise legal actions that are either detrimental to the emotional well being of the victim or place the victim in jeopardy of further physical assault.

Part of guiding victims through the criminal justice system necessarily includes discussing any proposed disposition of the criminal case, and how that proposed disposition might impact their safety. The primary concern most victims present during these conversations is not how much jail time the abuser will serve, or the nature of any diversionary programs the defendant may be ordered to attend, but whether they will continue to have that enforceable order of protection.

Under the current law, orders of protection expire at the end of a defendant's criminal court case (i.e. when the case is dismissed, nolle, or sentenced). While victims do have the option of requesting a Standing Criminal Restraining Order, Standing Criminal Restraining Orders are only available post-conviction. With seventy-five to ninety percent of domestic violence cases in our service area being disposed of through diversionary methods, a Standing Criminal Restraining Order is not an option the vast majority of our clients have available to them. For a variety of reasons, judges are cautious about granting these lifetime orders. Further, not all of our clients are sure they require lifetime protection. For victims of domestic violence who find themselves in these situations, but who are nevertheless not yet ready for the order of protection to expire, the disposition of the criminal case creates a significant gap in their safety planning.

Some prosecutors have attempted to address this gap by assigning protections as conditions of probation (i.e. no threats or violence to the victim, residential stay away, or no contact with the victim). However, enforcement of these conditions of probation is problematic for victims, as police departments do not have the same authority to enforce conditions of probation as they do orders of

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protection. Advocates have further attempted to address the gap by requesting that cases in which victims have continued safety concerns be kept open for "monitoring." In these situations, cases might languish on the docket for no other reason than to continue the order of protection.

As we all are aware, the disposition of the criminal case has the potential to put any victim of domestic violence in a very precarious situation. The danger of further abuse is even greater for those victims who had the courage to request a Standing Criminal Restraining Order, and/or advocate for a disposition to the case that did not include diversionary programs, but whose requests were denied. All too often victims report that, although things at home had been progressing positively throughout the pendency of the case, as soon as the case ended, the abuse began anew, many times worse than before. This is, unfortunately, how the cycle of violence works. In these situations, victims are even more reluctant to report this behavior to law enforcement or the courts, as they feel the criminal justice system has let them down.

We urge you to give victims the option of requesting that their order of protection be extended beyond the disposition of their abuser's court case. To summarize, this legislative change would enhance victim safety in the following manner:

- A victim of domestic violence would be able to support a diversionary program disposition for his/her abuser, without the fear that this support necessarily eliminated the option of requesting an extension of the order of protection at the disposition of the case.
- It would decrease the number of cases prosecutors seek to keep open for "monitoring" based on a victim's safety concerns.
- Prosecutors would be able to request an order of protection continue throughout a defendant's probation, enforceable by law enforcement, as opposed to assigning unenforceable protections as conditions of probation.
- Standing Criminal Restraining Orders tend to be an all or nothing option, and available in only a limited number of cases. Creating the possibility to extend an order of protection beyond the disposition of a criminal court case would grant judges an intermediate option available in a greater number of situations, enhancing the safety planning of a greater number of victims.

Thank you in advance for your attention in this matter. Should either committee have any questions, we would be happy to discuss this further at your convenience.

Sincerely,

Andrea Dahms, Co-Director of Court and Legal Services
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