



State of Connecticut

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Testimony of Speaker of the House Christopher G. Donovan
To the Judiciary Committee in support of:
HB 6629, AAC Domestic Violence
March 30, 2011

Good afternoon Representative Fox, Senator Coleman, and members of the Judiciary Committee. Thank you for this opportunity to speak on one of the important proposals before your committee today.

This legislation, along with a bill that was voted out of the Human Services Committee last week, comprise the 2011 legislative recommendations of the Speaker's Task Force on Domestic Violence. The bipartisan task force has met with dozens of advocates, survivors, judges, prosecutors, attorneys, law enforcement officers, support service providers, and state agency staff. In 2010, this input helped shape the most sweeping changes to our domestic violence statutes since the Tracey Thurman Law passed in 1986. We have seen a lot of progress in the intervening years, but tragically, domestic violence continues to plague families in each one of our communities.

One of the priorities of the task force this year is to strengthen the response of law enforcement to domestic violence. Policies and protocols vary widely from community to community and are influenced by leadership, culture and of course, resources. Some of our large cities, like Hartford and Stamford have been able to create specialized units to respond to domestic violence, while some of our small towns have police forces made up of only one or two officers. This bill creates a task force charged with developing a statewide law enforcement model policy that articulates best practices, for example, for responding to violations of restraining and protective orders. By implementing the model policy, police departments across the state can provide a consistent response to incidents of domestic violence.

According to a recent survey conducted by the Department of Public Health, 10% of Connecticut teens were involved in a physically abusive relationship this past year, and 17% reported being in an emotionally or verbally abusive relationship. This bill takes steps to protect teen victims by clarifying that people of any age, can request a restraining order to protect them from a partner who has subjected them to abuse.

This bill also makes many commonsense changes, including amending the restraining order statute to permit victims who have experienced a pattern of verbal intimidation, threatening or stalking to request a restraining order; providing restitution services to the families of victims like those provided for other crimes; and requiring offenders to surrender their firearms to police. Under current statute, certain offenders are barred from possessing firearms because they are subject to restraining or protective orders. Currently, they are permitted to surrender their firearms to a friend or relative, even a person in the same household. Allowing an offender access to a firearm can expose the victims to serious danger. This bill ensures that the firearm is safely held by police.

This legislation requires the Judicial Branch to develop additional domestic violence dockets within available appropriations. Domestic violence dockets have been very successful in implementing a multidisciplinary team approach, utilizing specialized staff to make appropriate recommendations on effective penalties. Dedicated domestic violence dockets are operating in many criminal court locations across the state.

The proposal makes several changes to the Family Violence Education Program (FVEP), a diversionary program. The FVEP is most effective when offered to low-level offenders. A defendant may only use the FVEP and have his or her case dismissed once, but some offenders sent to the program have had multiple arrests and have been granted a number of informal diversion opportunities before they are required by the court to complete a formal diversionary program like the FVEP. Currently, the FVEP may also be offered to offenders who commit serious assaults. The program may not be appropriate to meet more intensive service needs of repeat offenders. This bill excludes those charged with a felony from participating in the program and restricts participation to those who are on their first arrest.

Finally, this bill makes changes to the bail bonds system to strengthen the Insurance Department's regulatory authority over surety bail bond agents and address the practice of "undercutting." There have been a number of serious and fatal domestic violence incidents—including the tragic murder of Shengyl Rasim last year in West Haven—where the practice of bail bond undercutting played a role. In these instances, bail bond agents illegally discounted the premium due on the defendants' bonds and failed to charge the statutorily required amount. As a result, the defendants posted bond at rates lower than what the state requires and were released back into our communities, sometimes without any "cooling off" period.

In 2010, Selami Ozdemir shot his wife, Shengyl Rasim shortly after being released on bond following his second arrest for a domestic violence offense in a four month period. Ozdemir, despite having his bail set at \$25,000, was bailed out immediately by a bail bondsman without Ozdemir giving any monetary compensation to the bail bondsman. The practice of undercutting means that bond levels are essentially being determined by business decisions made by some bail bond agents, rather than the court, whose responsibility it is to weigh the public safety risk associated with release. Unfortunately, this case is one of many tragedies that have resulted from these dysfunctional and dangerous practices within our bail bond system.

I would like to take this opportunity to express my appreciation to Representative Gerald Fox for his work on these issues over the last several years, Representative Mae Flexer, Chair of the task force, and the many members who are working to prevent and address domestic violence in our communities. I urge your support for these critical proposals.