



General Assembly

February Session, 2012

Raised Bill No. 5453

LCO No. 2082

* _____HB05453HS_____032612_____*

Referred to Committee on Human Services

Introduced by:
(HS)

**AN ACT CONCERNING DOMESTIC VIOLENCE AND TRAUMA-
INFORMED CARE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-38b of the 2012 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2012*):

4 (a) Whenever a peace officer determines upon speedy information
5 that a family violence crime has been committed within such officer's
6 jurisdiction, such officer shall arrest the person or persons suspected of
7 its commission and charge such person or persons with the
8 appropriate crime. The decision to arrest and charge shall not (1) be
9 dependent on the specific consent of the victim, (2) consider the
10 relationship of the parties, or (3) be based solely on a request by the
11 victim. Whenever a peace officer determines that a family violence
12 crime has been committed, such officer may seize any firearm or
13 electronic defense weapon, as defined in section 53a-3, at the location
14 where the crime is alleged to have been committed that is in the
15 possession of any person arrested for the commission of such crime or
16 suspected of its commission or that is in plain view. Not later than

17 seven days after any such seizure, the law enforcement agency shall
18 return such firearm or electronic defense weapon in its original
19 condition to the rightful owner thereof unless such person is ineligible
20 to possess such firearm or electronic defense weapon or unless
21 otherwise ordered by the court.

22 (b) No peace officer investigating an incident of family violence
23 shall threaten, suggest or otherwise indicate the arrest of all parties for
24 the purpose of discouraging requests for law enforcement intervention
25 by any party. Where complaints are made by two or more opposing
26 parties, the officer shall evaluate each complaint separately to
27 determine whether such officer should make an arrest or seek a
28 warrant for an arrest. Notwithstanding the provisions of subsection (a)
29 of this section, when a peace officer reasonably believes that a party in
30 an incident of family violence has used force as a means of self
31 defense, such officer is not required to arrest such party under this
32 section.

33 (c) No peace officer shall be held liable in any civil action regarding
34 personal injury or injury to property brought by any party to a family
35 violence incident for an arrest based on probable cause or for any
36 conditions of release imposed pursuant to subsection (b) of section 54-
37 63c.

38 (d) It shall be the responsibility of the peace officer at the scene of a
39 family violence incident to provide immediate assistance to the victim.
40 Such assistance shall include, but not be limited to: (1) Assisting the
41 victim to obtain medical treatment if such treatment is required; (2)
42 notifying the victim of the right to file an affidavit for a warrant for
43 arrest; (3) informing the victim of services available, including
44 providing the victim with contact information for a regional family
45 violence organization that employs, or provides referrals to, counselors
46 who are trained in providing trauma-informed care; (4) referring the
47 victim to the Office of Victim Services; and (5) providing assistance in
48 accordance with the uniform protocols for treating victims of family
49 violence whose immigration status is questionable established

50 pursuant to subsection (g) of this section. In cases where the officer has
51 determined that no cause exists for an arrest, assistance shall include:
52 (A) Assistance as provided in subdivisions (1) to (5), inclusive, of this
53 subsection; and (B) remaining at the scene for a reasonable time until,
54 in the reasonable judgment of the officer, the likelihood of further
55 imminent violence has been eliminated.

56 (e) For the purposes of [this] subsection (d) of this section, "trauma-
57 informed care" means services directed by a thorough understanding
58 of the neurological, biological, psychological and social effects of
59 trauma and violence on a person, delivered by an organization in
60 which service providers: (1) Routinely screen for trauma exposure and
61 related symptoms; (2) use culturally appropriate evidence-based
62 assessment and treatment for traumatic stress and associated mental
63 health symptoms; (3) make resources available to clients on trauma
64 exposure, its impact and treatment; (4) engage in efforts to strengthen
65 the resilience and protective factors of children and families impacted
66 by and vulnerable to trauma; (5) address parent and caregiver trauma
67 and its impact on the family system; (6) emphasize continuity of care
68 and collaboration across child-serving systems; and (7) maintain an
69 environment of care for staff that addresses, minimizes and treats
70 secondary traumatic stress. Organizations delivering trauma-informed
71 care may also: (A) Identify prevalence rates of types of trauma within
72 their community; (B) reach out to their community to increase the
73 availability and use of trauma services to children and families while
74 decreasing barriers to care, making special efforts to reach diverse
75 cultural groups who may be more vulnerable to trauma experiences;
76 (C) infuse increasing knowledge of traumatic stress into the
77 organizational culture, practices and policies; (D) use the best available
78 science to facilitate and support resiliency and recovery; (E) engage in
79 local and national advocacy and prevention efforts on behalf of
80 children, adults and families impacted by trauma; and (F) maintain
81 professional relationships with trauma programs and experts for
82 referral and consultation.

83 ~~[(e)]~~ (f) (1) Each law enforcement agency shall develop, in
84 conjunction with the Division of Criminal Justice, and implement
85 specific operational guidelines for arrest policies in family violence
86 incidents. Such guidelines shall include, but not be limited to: (A)
87 Procedures for the conduct of a criminal investigation; (B) procedures
88 for arrest and for victim assistance by peace officers; (C) education as
89 to what constitutes speedy information in a family violence incident;
90 (D) procedures with respect to the provision of services to victims; and
91 (E) such other criteria or guidelines as may be applicable to carry out
92 the purposes of sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive,
93 and 54-1g. Such procedures shall be duly promulgated by such law
94 enforcement agency.

95 (2) On and after July 1, 2010, each law enforcement agency shall
96 designate at least one officer with supervisory duties to expeditiously
97 process, upon request of a victim of family violence or other crime who
98 is applying for U Nonimmigrant Status (A) a certification of
99 helpfulness on Form I-918, Supplement B, or any subsequent
100 corresponding form designated by the United States Department of
101 Homeland Security, confirming that the victim of family violence or
102 other crime has been helpful, is being helpful, or is likely to be helpful
103 in the investigation or prosecution of the criminal activity, and (B) any
104 subsequent certification required by the victim.

105 ~~[(f)]~~ (g) The Police Officer Standards and Training Council, in
106 conjunction with the Division of Criminal Justice, shall establish an
107 education and training program for law enforcement officers,
108 supervisors and state's attorneys on the handling of family violence
109 incidents. Training under such program shall: (1) Stress the
110 enforcement of criminal law in family violence cases and the use of
111 community resources, and include training for peace officers at both
112 recruit and in-service levels; and (2) include, but not be limited to: (A)
113 The nature, extent and causes of family violence; (B) legal rights of and
114 remedies available to victims of family violence and persons accused
115 of family violence; (C) services and facilities available to victims and

116 batterers; (D) legal duties imposed on police officers to make arrests
117 and to offer protection and assistance, including applicable probable
118 cause standards; and (E) techniques for handling incidents of family
119 violence that minimize the likelihood of injury to the officer and
120 promote the safety of the victim. On and after July 1, 2010, training
121 under such program shall also include, within available
122 appropriations, information on (i) the impact of arrests of multiple
123 parties in a family violence case on the immigration status of the
124 parties; (ii) crime scene investigation and evaluation practices in family
125 violence cases designed by the council to reduce the number of
126 multiple arrests in family violence cases; and (iii) practical
127 considerations in the application of state statutes related to family
128 violence. On and after July 1, 2010, such training shall also address,
129 within available appropriations, eligibility for federal T Visas for
130 victims of human trafficking and federal U Visas for unauthorized
131 immigrants who are victims of family violence and other crimes.

132 [(g)] (h) Not later than July 1, 2010, the Police Officer Standards and
133 Training Council shall establish uniform protocols for treating victims
134 of family violence whose immigration status is questionable, and shall
135 make such protocols available to law enforcement agencies. Each law
136 enforcement agency shall adopt and use such protocols on and after
137 the date they are established by the council.

138 Sec. 2. Subsection (g) of section 46b-38c of the 2012 supplement to
139 the general statutes is repealed and the following is substituted in lieu
140 thereof (*Effective July 1, 2012*):

141 (g) In cases referred to the local family violence intervention unit, it
142 shall be the function of the unit to (1) identify victim service needs and,
143 by contract with victim service providers, make available appropriate
144 services that include, but are not limited to, the provision of trauma-
145 informed care by a counselor who provides trauma-informed care, or a
146 referral to a counselor, and (2) identify appropriate offender services
147 and where possible, by contract, provide treatment programs for
148 offenders. For purposes of this subsection, "trauma-informed care"

149 means services directed [by a thorough understanding of the
150 neurological, biological, psychological and social effects of trauma and
151 violence on a person] in a trauma-informed child and family-serving
152 system, as described in subsection (e) of section 46b-38b, as amended
153 by this act.

154 Sec. 3. (NEW) (*Effective July 1, 2012*) Not later than June 30, 2012, the
155 Commissioner of Public Health shall, within available appropriations,
156 develop one public service announcement to be issued by the
157 Department of Public Health through television broadcast for the
158 purpose of preventing teen dating violence and family violence, as
159 defined in section 46b-38a of the general statutes. The commissioner
160 may apply for public or private grants for the purpose of issuing such
161 public service announcement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	46b-38b
Sec. 2	<i>July 1, 2012</i>	46b-38c(g)
Sec. 3	<i>July 1, 2012</i>	New section

HS *Joint Favorable*