



OLR RESEARCH REPORT

August 22, 2012

2012-R-0375

OLR BACKGROUNDER: EVOLUTION OF MODEL POLICY FOR POLICE RESPONSES TO FAMILY VIOLENCE CRIMES

By: Susan Price, Senior Attorney

This report describes the state's efforts to establish a statewide police officer response policy for officers to follow in all cases involving family violence or related protective order violations. The goal of the policy is to ensure that family violence laws are enforced evenhandedly throughout the state.

SUMMARY

A 1986 state law requires the State Police and local police departments to develop and implement operational guidelines for making arrests for family violence offenses. These are offenses that, in addition to their other elements (1) victimize family or other household members and (2) involve actual or credible threats of physical harm. The statute specifies general areas the guidelines must cover, but individual police departments otherwise have discretion in designing and implementing them and departments are under no obligation to review or update them.

Although not required by law, the Police Officer Standards and Training Council (POST), which is responsible for training local police officers, developed a model family violence response policy in 1991 to train police officers and help departments draw up their guidelines. But departments do not have to adopt this model policy and not all have done so.

Concerned about the lack of uniformity in police responses to family violence incidents, the legislature in 2011 created a task force to evaluate existing policies and procedures and develop a model policy and implementation plan. In February 2012, the task force submitted its model policy along with recommendations for further study. The policy is based on POST's 2006 model policy and covers (1) model policy and dual arrests, (2) training and data collection, and (3) protective orders and bail bonds. (We have not included information on the protective order and bail bond recommendations, as those are directed at the Judicial Branch rather than law enforcement.)

The Judiciary Committee incorporated the task force policy into [HB 5548](#), which passed unanimously in both chambers. It also established the Family Violence Model Policy Governing Council to review and update the policy as needed. The task force policy becomes law October 1, 2012, unless the council adopts one that supersedes it.

FAMILY VIOLENCE RESPONSE OPERATIONAL GUIDELINES

State law requires all police departments to have operational guidelines for making family violence arrests (CGS § 46b-38b(e)).

Family Violence

“Family violence” means (1) an incident resulting in physical harm, bodily injury, or assault or (2) an act of threatened violence between family or household members that causes its victim to fear imminent physical harm, bodily injury, or assault. “Family and household members” are:

1. current and former spouses;
2. parents, children, and other relatives;
3. people who have a child together;
4. people who are, or were recently, dating; and
5. people living, or who have lived, together ([CGS § 46b-38a](#)).

For purposes of maintaining criminal history record information, state law designates 29 offenses as family violence crimes when committed by people involved in one of the above relationships. The crimes generally include assaults, other acts of physical violence and, as of October 1, 2012, threatening and stalking ([CGS § 46b-38h](#), as amended by [PA 12-114](#)).

Police Department Guidelines

The law requires each police department to develop its guidelines in conjunction with the Department of Emergency Services and Public Protection's (DESPP, formerly the Department of Public Safety) Criminal Justice Division. The guidelines must cover investigation, arrest, and victim assistance procedures and how to apply the "speedy information" rule in family violence cases. (That rule allows officers to make warrantless arrests based on "speedy information" from reliable sources.) The guidelines must also include other criteria or guidelines that apply in other situations officers routinely encounter in family violence cases.

The law does not require the (1) departments' guidelines to be uniform or (2) departments to review or update them.

POST'S MODEL RESPONSE POLICY AND TRAINING CURRICULUM

In response to this lack of uniformity, POST developed a model family violence response policy in 2001, which departments may, but are not required to, adopt.

POST's policy was developed in conjunction with the Office of the Chief State's Attorney and the Connecticut Coalition against Domestic Violence and covers all statutorily required topics. It (1) emphasizes family violence dynamics and strategies that promote victim and police officer safety and (2) instructs trainees on victimization theories, human violence cycles, and how to recognize patterns of coercive behavior and control.

POST also adopted this policy as the statutorily-required education and training curriculum and uses it to train police officers, supervisory personnel, and prosecutors on appropriate responses to family violence incidents ([CGS § 46b-38b](#)). It meets statutory criteria by covering:

1. the nature, extent, and causes of family violence;
2. police officers' duties to enforce criminal laws and protect and help victims;
3. parties' legal rights and remedies;
4. techniques for reducing the risk of police officer injuries and promoting victim safety; and

5. available services and facilities for both parties (CGS § 46b-38b).

POST's curriculum is a model for departments that handle training in-house, but they are not mandated to use it.

TASK FORCE'S MODEL POLICY AND TRAINING CURRICULA

In 2011, the legislature responded to continuing concerns that family violence laws were not being enforced uniformly by creating a task force to, among other things, study existing practices and develop a policy for officers to follow in all cases involving family violence or related protective order violations. In addition to provisions addressing changes in Judicial Branch procedures, which are not addressed here, the model policy calls for improvements in police education and training. (Existing law requires all basic or review training programs to provide at least two hours of training on domestic violence-related topics ([CGS § 7-294g](#))).

Education and Training Curricula

One of the model policy's key components is intended to ensure that the laws are uniformly enforced throughout the state. It requires the State Police and POST to jointly develop two curricula, by December 2012, one for training police officers and the other for training instructors.

Enhanced Training on the Use of Self Defense. The task force policy requires police training classes and course material to be expanded to cover in greater detail the circumstances under which a victim is justified in using physical force against an attacker. This change is intended to lower the state's dual arrest rate, which is reportedly one of the highest in the nation. (A dual arrest occurs when both participants in an altercation are charged with family violence crimes.)

Additional Training

The model policy requires police chiefs to continually train supervisors on changes in law and department procedures. In addition, all police officers must attend training classes every year to, among other things, learn about statutory and model policy changes. Participants must be asked to give instructors feedback on the training's effectiveness.

Recommendations for Further Study

The task force also submitted a report along with its model policy proposal in which it recommended further study on the need for establishing procedures for:

1. ensuring that protective order laws are enforced consistently,
2. handling family violence incidents involving police officers,
3. accompanying the accused when he or she returns to the victim's residence to retrieve personal belongings, and
4. responding to incidents involving more than one law enforcement agency's jurisdiction.

Other areas the report identified as deserving further study were (1) setting weapon seizure protocols, (2) designating family violence liaisons in each precinct, (3) requiring more training, and (4) requiring incident reports to contain more dual arrest information.

FAMILY VIOLENCE MODEL POLICY GOVERNING COUNCIL

Public Act [12-114](#) established the Family Violence Model Policy Governing Council and places the topics recommended by the task force within the council's statutory charge. Under the act, the council must:

1. evaluate policies and procedures law enforcement agencies use when responding to family violence incidents and violations of restraining and protective orders,
2. review and update the statewide family violence law enforcement policy, and
3. evaluate the accuracy of family violence-related data DESPP and Judicial Branch gather and maintain.

SP:ts