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**Testimony of Garvin G. Ambrose, Esq., State Victim Advocate
Submitted to the Judiciary Committee
Monday, April 15, 2013**

Good day Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. For the record, my name is Garvin Ambrose and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Raised House Bill No. 6702, An Act Concerning Domestic Violence and Sexual Assault.

The Office of the Victim Advocate (OVA) fully supports the efforts of Raised House Bill No. 6702. The proposal would provide additional protections for victims of domestic violence and sexual assault; enhance training opportunities of those working in the domestic violence field; make many technical terminology changes; and provide for a long overdue assessment of family violence education programs and trainings to ensure that the programs and trainings are addressing the needs of victims as well as meeting the goals of the family violence intervention units.

It has been reported that financial abuse occurs in 98% of abusive relationships and is the reason many victims return to an abusive relationship. Section 1 of the proposal will provide victims with a reasonable opportunity to secure resources and become self supportive, while remaining safe from abuse. Absent the financial protections included in the proposal, victims are often continually abused by the offender through financial means and are faced with additional hardships, such as the inability to provide for basic needs and services.

Many victims of domestic violence forego their constitutional rights in exchange for their safety. For example, many victims will choose not to receive notification of certain events for fear of exposure and/or retaliation. However, when a victim has had the assistance of an advocate through the process and relies on the advocate for notification, the advocate may or may not be notified of certain events, including when an offender is violated on probation. Sections 2 & 3 of the proposal will ensure that notification of an offender's violation of probation be provided to the advocate, in addition to or on behalf of the victim. This additional notification to the advocate will allow victims to be notified, through the advocate, without comprising their safety.

Guardians ad litem (GAL) are often appointed by the court in diverse family matters to ensure that the best interests of the child/children are presented to the court. In cases involving domestic violence, there may also be criminal matters pending where the GAL is likewise appointed to represent the best interest of the child/children. To ensure that the GAL is well-versed on the function of the family

violence intervention units and the use of restraining and protective orders, the GAL must have ongoing training available. Section 4 will include guardians ad litem to the list of those that such training is available by the Judicial Department.

In 2010, an important provision to assist victims of domestic violence enhance their safety (PA No. 10-161) included the ability of a domestic violence victim to terminate a rental agreement, without penalty, if the tenant, victim, believes he or she or a dependent must vacate the dwelling out of fear for their safety because of family violence. Section 5 of the proposal seeks to afford victims of sexual assault this same protection. In many cases of domestic violence and/or sexual assault, remaining in the surroundings where the abuse may have occurred can be a barrier to the welfare of the victim, as well as the children.

Section 17 would require the Chief Court Administrator to provide a secure and separate conference room, within each court, that would be available for victims of family violence crimes and family violence victim advocates to meet and maintain confidential communications. This has been a long standing issue in many of the courts around the state. Unfortunately, in some of the courts, finding such a secure and separate room may not be logistically possible. However, certainly we can agree that victims of family violence should not be exposed to meeting with advocates in the hallway, surrounded by and exposed to an offender, or others, for which their safety may be jeopardized. As communications between domestic violence victims and domestic violence advocates are confidential, a compromise for space must be provided to ensure that victims are protected while exercising their constitutional rights to participate in the process.

Sections 18 & 19 of the proposal attempt to improve the process for which a respondent of an order of protection complies with the surrender or transfer of any and all firearms in their possession. While there is no doubt that the timely surrender or transfer of firearms is essential in protecting victims of domestic violence, the provision that would require accompaniment by a law enforcement officer (line 596) may actually, inadvertently delay the surrender or delivery if an officer is not immediately available. This is particularly burdensome for law enforcement in some of the smaller municipalities, as they do not have the equivalent resources of law enforcement in some of the larger municipalities. All law enforcement must be equipped with the necessary resources and information so that swift action can be taken to enforce the surrender or transfer of any firearms upon a disqualifying event, particularly in cases of domestic violence.

Finally, Sections 20 & 21 of the proposal would require the Chief Court Administrator to conduct an assessment of the family violence education programs as well as an assessment of the training programs available to judges, clerks, and others within the family violence intervention units. As criminal courts continue to routinely provide a diversion alternative to prosecution in many domestic violence cases, there continues to be a lack of evidence that the current diversion programs are effective at reducing recidivism and changing abusive behavior. Similarly, training programs must possess best known practices in order to provide those working in the domestic violence field with quality training and knowledge while working with domestic violence offenders, as well as an often delicate population of victims.

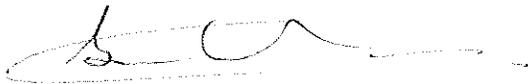
Sound diversion principles, such as limited diversion opportunities, risk and lethality assessments, active supervision, and zero tolerance, should be adopted and implemented first to ensure that the

programs being utilized meet the principles of diversion. Otherwise, the program assessment is based on unknown expectations. Currently, all domestic violence criminal cases are first referred to the family violence intervention units for an initial assessment. Although any case of a serious nature, including charges of violating an order of protection, should be returned to the regular criminal docket or the domestic violence docket for further prosecution, the harsh reality is that many cases continue on the diversion path. There must be a greater emphasis placed on criminal matters involving domestic violence, perhaps with the statewide expansion of domestic violence dockets, in an effort to reduce and prevent incidents of domestic violence throughout the state. Diversion in cases of domestic violence should not be the controlling factor for docket management.

One of the overall goals of any diversion program is to reduce crime by identifying the root cause of the behavior and then provide services, which address the needs of both the offender and the victim. As such, any assessment of the diversion programs must include the input of all affected parties, including the victim of the offense and program facilitators. Assessments are valuable for identifying gaps in current programs as well as ascertaining best practices that are known and should be conducted on a routine basis.

Thank you for consideration of my testimony. I strongly urge the Committee to support Raised House Bill No. 6702 with perhaps some minor revisions to Sections 17 & 19 to ensure that the purpose is not defeated by the logistics.

Respectfully submitted,



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