



**The Center for
Family Justice**

**Follow Up to Testimony Given In Support of
SB 650, AAC Temporary Restraining Orders**

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HB 6848, AA Protecting Victims of Domestic Violence

Judiciary Committee

Senator Coleman, Representative Tong and members of the committee, my name is Angela Schlingheyde and I am the Coordinator of Civil Legal Services at The Center for Family Justice in Bridgeport, Connecticut. I had the privilege of testifying before you on March 11, 2015 on behalf of The Center for Family Justice in support of SB 650 and HB 6848. I am submitting this follow up information for your review, so that you can take it into consideration when deciding on whether or not to pass the proposed legislation.

CGS section 29-38(c)

During the course of the proceedings, it was brought up several times that CGS 20-38(c), Seizure of Firearms of Person Posing Risk of Imminent Personal Injury to Self or Others, was a better, and more efficient way to remove firearms from those who pose a risk to domestic violence victims once that victim applies for an ex parte, temporary restraining order.

Having no personal experience with the use of the Risk Warrant Statute, I was not in a position to agree or disagree at the time of the hearing. Since that time, I have spoken with members of law enforcement in our catchment area to determine if this was, in fact, the best option. After meeting with law enforcement, it is the general consensus, that the Risk Warrant Statute may seem, on paper, to be a great option, but in reality, it is not.

Realities of Law Enforcement

The following is information I received after meeting with law enforcement:

Realistically, if law enforcement was required to use a Risk Warrant for all ex parte, temporary restraining orders where the respondent

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had a firearm, the work load would be unmanageable. It is easy for those outside of law enforcement to say that a Risk Warrant can be obtained within an hour or so, but that is simply not the truth. First, and foremost, the police need to conduct an investigation to establish probable cause. The victim's statement is certainly one element of probable cause, but the police would need to corroborate the victim's statement, which may include interviewing the accused, gathering emails/text messages, speaking to family members/witnesses, etc. This can take a few hours, or days, depending on the case. Once the information is gathered and it is determined that probable cause exists, the officer needs to fill out the warrant. Perhaps writing the warrant itself is not terribly time consuming, but the realities of finding a judge to sign the warrant is another matter. Finding an available judge during the day can be difficult, as most are on the bench. During the Summer months or holiday season, it can sometimes take days to find a judge to sign a warrant. And even though there is a judge on call, it can be extremely time consuming to track down a judge during the evening/weekend hours. Under no circumstances can a law enforcement officer expect to walk into court and find a judge readily available. Once the warrant is signed, for officer safety purposes, a search protocol must be established. It is not just a question of knocking on the door and getting the guns.

As you can see, the Risk Warrant is not something that law enforcement can deal with in a mere hour or so, as was suggested during the public hearing. That, in conjunction with the fact that it does not protect victims of domestic violence who choose not to involve law enforcement, makes SB 650 and HB 6848 the better option to offer more protection to victims of domestic violence and hopefully prevent another situation like the Jackson case.

I hope the committee finds this information useful and I thank you for taking the time to review this new testimony and urge your support of these important measures.

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Angela Schlingheyde

The Center for Family Justice, Inc.

203-334-6154 x 27

aschlingheyde@centerforfamilyjustice.org

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753 Fairfield Avenue, Bridgeport, Connecticut 06604 • Tel: 203/334-6154 • Fax: 203/579-8882 • Website: www.centerforfamilyjustice.org

