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Testimony of Stephen N. Ment
Judiciary Committee Public Hearing
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**House Bill 7005, An Act Concerning Domestic Violence Offender Program Standards
and Increased Protections for Victims of Domestic Violence**

Good morning, Senator Coleman, Representative Tong, Senator Kissel, Representative Rebimbas, and other members of the Committee, I am pleased to submit written testimony on behalf of the Judicial Branch, regarding **House Bill 7005, An Act Concerning Domestic Violence Offender Program Standards and Increased Protections for Victims of Domestic Violence**.

The purpose of this bill is to ensure that treatment programs for persons who commit acts of domestic violence operate in conformity with adopted standards. The Judicial Branch supports the concept of the bill, but has some concerns with the language as drafted.

The bill requires the Criminal Justice Policy Advisory Committee (CJPAC) to establish a subcommittee on domestic violence offender program standards and requires this subcommittee to review and revise domestic violence program standards on or before October 1, 2015. The subcommittee is also required to establish policies and procedures to ensure that all domestic violence offender programs operate in full compliance with the established standards.

What the bill does not address is how these standards will be adopted. Is it the responsibility of CJPAC to approve the standards or will the Legislature be responsible for approving the standards? Will there be an opportunity for members of the public to

have input into the standards? Will the standards be published as a regulation or in statute?

Additionally, the bill prohibits the court from referring an offender to a program that does not adhere to the new standards, and requires that treatment programs for offenders charged with violating a family violence statute are in compliance with these standards. This provision is effective on and after October 1, 2015; the newly-created CJPAC subcommittee is charged with adopting the standards on or before October 1, 2015. This timing does not provide any opportunity for programs and contractors to become compliant with the new standards. If the programs with which the Judicial Branch contracts do not meet the new standards, judges will not be authorized to refer offenders to domestic violence programs on October 1, 2015 and until the programs become compliant with the standards.

Additionally, the bill is overbroad, as it applies to “treatment programs for offenders who are arrested,” ranging from those who are pre-trial diversion eligible to the convicted population, including males and females. Domestic violence offender programs are typically designed for the post plea/convicted population and only address male offenders.

The Judicial Branch suggests that the subcommittee should determine how the agreed-upon standards will be implemented, after assessing the potential impact on current practice and whether there will be unintended consequences moving forward. Although a prescriptive application of the standards may be a common future goal, there are many contractual, practical and systematic implications that would be best left to the subcommittee to address.

For the Committee’s review, please find below some possible language:

The Criminal Justice Policy Advisory Commission subcommittee on domestic violence offender program standards shall review and recommend standards for offender programs, and shall review and recommend policies and procedures for implementation of the standards, including the timeframe. The subcommittee’s deliberative process shall include holding public hearings to gather feedback about the proposed standards and its application in practice. Not

later than October 1, 2016, the subcommittee will report to the Commission its recommendation regarding the implementation of statewide standards and whether the standards should be in statute or regulation, or continue to be a component of best practices within the criminal justice system.

Thank you for the opportunity to provide written testify on this bill.