



Testimony in Support of

SB 651, AAC a Temporary Hold for Certain Family Violence Arrestees HB 7004, AAC Implementation of the Recommendations of the Task Force to Study Service of Restraining Orders HB 7005, AAC Domestic Violence Offender Program Standards and Increased Protections for Victims of Domestic Violence

**Judiciary Committee
March 16, 2015**

Good morning Senator Coleman, Representative Tong, Representative Rebimbas, Representative Labriola and members of the committee. Safe Haven of Greater Waterbury, Inc. ("Safe Haven") is a dual agency serving victims of domestic violence and sexual assault in the following ten communities: Bethlehem, Cheshire, Middlebury, Naugatuck, Prospect, Southbury, Waterbury, Watertown, Wolcott and Woodbury. Our services include crisis intervention, safety planning, emergency shelter, individual and per group counseling, advocacy for benefits and housing along with information and referrals. Last year Safe Haven provided almost 7,500 crisis and individual counseling sessions for our clients. Almost 2,200 clients were handled through our Family Violence Victim Advocate program at the Waterbury Superior Court.

We urge your support of Senate Bill 651 and House Bills 7004 and 7005.

SB 651

Currently, domestic violence suspects who are able to make bond are released from jail immediately following an arrest. However, domestic violence is a unique offense where perpetrators may immediately return to the scene of the crime – their home – following an arrest.

This bill proposes a temporary hold only for some family violence offenders when certain evidence-based risk factors are present that indicate an increased likelihood of fatal violence.

The immediate hours following an arrest for domestic violence can be a particularly volatile period for all involved. It is during this period that an abuse is not in control of their partner and therefore may resort to escalating violence to regain control.

Unless conditions of release state otherwise, and sometimes despite conditions of release, the abuser may then return to the family home where the victim may be present and further violence may occur.

By holding a particularly dangerous family violence suspect for 12 hours, the victim will have the opportunity to collect belongings from the family home, secure a safe place to stay, and work with the local domestic violence organization to devise a safety plan. Meanwhile, the abuser is given the time to reflect upon his or her actions and the potential consequences of any further violence.

At least 6 other states allow for temporary hold of certain family violence offenders (Alabama, Indiana, Massachusetts, Mississippi, Nevada, and Tennessee).

The lethality risk factors included in this bill that would trigger the proposed 12 hour hold are based on years of research by Dr. Jacquelyn C. Campbell at Johns Hopkins University and they represent a critical tool for the criminal justice system to help prevent serious intimate partner violence or homicide.

HB 7004

- Recommendations are the result of the legislative Task Force to Study Service of Restraining Orders, which concluded its work in January of this year. The task force included a comprehensive set of stakeholders including domestic violence advocates, state marshals, law enforcement, attorneys (including a prosecutor, public defender and legal aid attorney), a family court judge and court operations personnel.
- The bill provides a variety of changes that will give state marshals, the currently authorized agent of service for restraining orders, access to information that can assist them in successfully effectuating service of restraining orders and ensuring that victims have timely access to the status of such service.
- It also requires that the State Marshal Commission examine existing marshal policies and put into place policies that will enhance responsiveness to victims seeking their assistance with the service of restraining orders.
- The existing system of serving restraining orders can be a significant burden on the applicant of the restraining order. Many victims apply without the assistance of an advocate or lawyer and finding a marshal to serve the order is not always easy, particularly for those individuals who have limited English proficiency. A review and revision of policies to enhance responsiveness to victims of domestic violence seeking to have restraining orders served will increase safety and victim confidence in the system set up to help protect them.
- The bill also proposes that state marshals be reimbursed mileage costs for up to three round trips when serving restraining orders. Currently, marshals can only be reimbursed by the state for one round trip when serving orders regardless of whether successful service requires multiple trips.
- State marshals face many challenges when serving restraining orders, including dealing with respondents who are aware that their victim has applied for an order so they, the respondent, actively avoids service of said order.
- Despite existing policy, many marshals make however many trips are necessary to make successful service and they deserve to be reimbursed for those efforts.
- This bill also proposes broadening the methods by which respondents may be given legal notice of ex parte restraining orders.
- As we discussed previously, service can be a challenge when respondents do not want to be found. In these instances an authorized service agent may opt to leave the order abode (at the place of residence but not in the hand of the respondent). When such an order is then violated, the state's attorney may not be able to prosecute for the violation because notice of the order may not be able to be proven.
- In Massachusetts, law enforcement officers are permitted by statute to verbally inform/notify a respondent that they have an ex parte restraining order against them. The order then becomes enforceable.

HB 7005

Batterer Intervention Program Standards

- In 2013 the Criminal Justice Policy Commission (CJPAC) formed a subcommittee to develop program standards for batterer intervention program providers in Connecticut. Following over a year of research and evaluation of program standards utilized by other states, the subcommittee presented a set of agreed upon standards in September 2014.
- The subcommittee that developed the standards was comprised of a comprehensive set of stakeholders including domestic violence advocates, community re-entry specialists and representatives of the Board of Pardon & Paroles, Chief State's Attorney, Chief Public Defender, Department of Children & Families,

Department of Correction, Department of Public Health, State Victim Advocate and Judicial Branch Court Support Services Division.

- Domestic violence is a pattern of violent and/or abusive behaviors used by a person intended to exert power and control over another in the context of an intimate relationship. It is a learned behavior and it is an individual's choice to behave in a violent and/or abusive manner.
- Domestic violence offender programs are intended to emphasize the accountability of individual perpetrators. The purpose is to educate offenders and teach skills that support a non-violent lifestyle and promote healthy relationships.
- These standards are intended to serve as a framework for new and existing program providers to develop and deliver services to people arrested for committing crimes of violence against an intimate partner or former intimate partner or people identified as needing services in order to prevent acts of domestic violence.
- The standards address program content ensuring that programs define and discuss all forms of domestic violence and associated dynamics, including attitudes and beliefs that support abusive behavior, while emphasizing the importance of taking responsibility for one's actions. Programs must also seek to change an individual's abusive behavior by teaching interpersonal strategies that support equitable, nonviolent relationships. The standards also call for prohibiting the use of anger management techniques that identify anger or stress as the primary cause of abuse.
- Connecticut is 1 of only 6 states that have not established standards for its batterer intervention programs. Of the 44 states with program standards, 70% are statutory and include enforcement mechanisms.

Victim Confidentiality

- Since 1981 Connecticut law has allowed the names and addresses of sexual assault victims to be kept confidential throughout involvement with the criminal justice system (CGS § 54-86d and 54-86e).
- This bill proposes extending that same confidentiality to victims of family violence while still ensuring that the information is available to the accused in the same time and manner as such information is available to persons accused of other crimes.
- Seeking assistance for family violence can be a very difficult step for a victim to take. They are often afraid about how they or their abuser, who they may still love, might be judged. Many victims do not find the decision to involve the police and criminal justice system in their relationship as an easy one to make.
- We have heard from many victims that some of the hesitation to take that step is based on the knowledge that their name in all likelihood will appear in the local media, either through a police blotter or local news reporting.
- It is critical that we extend to victims of family violence the same confidentiality protections available to victims of sexual assault. Victims should not have to make a decision to seek assistance from the police based on a fear that the dynamics of their relationship will be shared with everyone in their local community.

Again, we urge your support of these important measures. Thank you for your consideration.

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