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Sent: Thursday, March 10, 2016 11:43 AM
To: JudTestimony
Subject: Public hearing on bills related to TROs/service issues/firearm removal

Testimony regarding

**HB 5054, AA Protecting Victims of Domestic Violence
HB 5597, AA Protecting Victims of Domestic Violence Seeking Restraining Orders
HB 5623, AAC Violence Against Women and Victims of Human Trafficking**

**Judiciary Committee
March 14, 2016**

Good morning Senator Coleman, Representative Tong, Senator Doyle, and members of the committee. New Horizons Domestic Violence Services provided life-saving services to over 1000 victims of domestic violence in FY 15. Service provided include temporary emergency shelter, 24 hour hotline coverage, support groups, transportation, criminal/civil court assistance, community education, domestic violence counseling and referrals to other area resources. We serve victims and their children in the towns of Middletown, Middlefield, Portland, Cromwell, East Hampton, Durham, Haddam, East Haddam, Killingworth, Chester, Deep River, Essex, Old Saybrook, Westbrook and Clinton.

HB 5054 & HB 5623

We urge your support of HB 5054 and HB 5623, which will provide the most comprehensive protection of victims of domestic violence at the most dangerous time and strengthen processes within a system designed to help them.

The goal of HB 5054 and sections 1-17 of HB 5623 is simple, to protect victims of domestic violence at the most dangerous time by temporarily removing firearms from their abuser when the abuser has received notice that he or she is the subject of a temporary, ex parte restraining order. The bill also addresses several recommendations of the Task Force to Study Service of Restraining Orders established pursuant Public Act 14-217.

The most dangerous time for a victim of domestic violence is when she or he takes steps to end the relationship.^[i] Because domestic violence is all about power and control of one partner over the other, this can be a particularly difficult time for the abuser, who will begin to realize that he or she is losing control over the victim. This may result in the offender taking more extreme actions to regain control.

Evidence-based research has shown that domestic assaults that involve firearms are 12 times more likely to result in death than those involving other weapons or bodily force.^[ii] And women in an abusive relationship are 5 times more likely to be killed if their abuser has access to a firearm.^[iii] Meanwhile, state laws prohibiting firearm possession by persons subject to restraining orders reduced rates of intimate partner homicide of women by 12-13%, decreasing overall intimate partner homicides by 10%.^[iv] Finally, at least 20 other states have recognized that dangerous combination posed by domestic violence and firearms and have given their courts explicit authority to temporarily remove firearms from some or all individuals subject to ex parte restraining orders.^[v]

Connecticut has seen an average of 14 intimate partner homicides annually since 2000 and firearms are the single most commonly used weapon in those homicides (39%).^[vi] The state has a vested interest in protecting the lives of victims of domestic violence. Existing state law prohibits anyone who is the subject of a full, one

year restraining order from possessing firearms. Not extending the same prohibition during the temporary order which covers the most dangerous period of time for a victim is a serious gap in our laws. If this measure saves just one life by requiring the temporary, two week removal of firearms during ex parte restraining orders, then we believe it deserves the full support of the General Assembly.

A former shelter client of New Horizons was granted a TRO due to domestic violence (stalking, physical abuse, and threatening). She fled from her situation with her two young children and came to our shelter. While the TRO was pending, client informed law enforcement that her abuser had firearms. However, there was no precaution taken to secure his firearms. One day she went to her parents house to pick up her son, when she saw her abuser trying to destroy her car. She saw him circling the house at first, then her picked up a rock and motioned as though he was going to throw it on her car. She called the police; the police found the suspect and during the pat down, found a gun on him.

Due to a very good safety plan in place, the victim was able to recognize immediately she needed to call the police. However, if his fire arm was secured immediately, the life-threatening response could have been potentially avoided.

HB 5597

We urge your rejection of HB 5597, which, though well-intentioned, poses an unnecessary risk to victims of domestic violence.

House Bill 5597 seeks to protect victims of domestic violence from gun violence by requiring the use of a risk warrant when a victim applying for a civil restraining order elects to state that she or he believes that a family or household member poses a risk of imminent personal injury to them. While we appreciate the intent of the proponents of HB 5597, we firmly believe that comprehensive protection through the state's civil restraining order, similar to the policies of 20 other states, remains the most commonsense mechanism for protecting victims of domestic violence through the very process established by this body to protect them.

Connecticut Coalition Against Domestic Violence, of which we are a member, has outlined numerous concerns regarding the risk warrant. We would like to align ourselves with those concerns and reasons why our coalition believes that the risk warrant should not be the exclusive means to remove firearms from subjects of temporary restraining orders. We also want to highlight the potential risk posed by this specific language.

As the bill is written, once the victim chooses to state that she or he believes the respondent "poses a risk of imminent personal injury" to them, the court must automatically begin the risk warrant process. Unfortunately, since the state only provides funding for Family Violence Victim Advocates in 4 civil courts throughout the state, it is not clear that there will be anyone to explain to the victim what a risk warrant is or process that it entails. The victim will have sought a civil order with the expectation that the police will not be involved and it is unlikely that any victim completing an application for a restraining order would not answer in the affirmative this question about "imminent risk," the very standard for a temporary restraining order. So now, in every instance, these victims may unknowingly trigger police involvement, including a full search of the respondent's home. Such a process may easily incense their abuser and increase the possibility for retaliation. We cannot overstate the risk associated with this well-intentioned proposal. We urge rejection of this measure.

A story that comes to mind is one of a client Jaime (name changed for privacy) from Clinton, who did not feel safe contacting police. Her abuser had contacts within the police department and she knew that if she tried to reach out, things would not go in the way that they are supposed to. She was afraid one of his contacts would alert him to the call and police would not be assisting her correctly. This was a major deterrent for Jaime to reach out to local law enforcement. To best protect the client in this case, she moved herself and her child up to New Hampshire to stay with family and obtained a restraining order in that state.

Another client of New Horizons Megan (name changed for privacy) from Middletown, called the police once and had a bad experience. She felt the manner in which the police handled the call was not helpful and more harmful to her children. No protective order was put in place. She called the hotline the next day and spoke to one of our advocates and let us know she will not be calling the police again, no matter how bad her situation

gets. This drastically changed her safety plan. Our program respects all clients' right to not seek out protection from law enforcement if they feel the system has failed them before.

I hope these scenarios help paint a better picture of what our clients are facing on a regular basis.

Please do not hesitate to contact me with any questions or concerns.

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Domestic Violence Services

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Connecticut Coalition Against Domestic Violence

^[i] Campbell, JC, et al. 2003. "Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study." *American Journal of Public Health*. 93(7): 1092.

^[ii] Center for Gun Policy and Research. "Intimate Partner Violence and Firearms." Johns Hopkins Bloomberg School of Public Health, citing Saltzman LE, et al, 1992. "Weapon Involvement and Injury Outcomes in Family and Intimate Assaults." *Journal of the American Medical Association*. 41(2): 281-83.

^[iii] Supra note 3

^[iv] Vigdor ER, Mercy JA. 2006. "Do Laws Restricting Access to Firearms by Domestic Violence Offenders Prevent Intimate Partner Homicide?" *Evaluation Review*. 30:313-46.

^[v] Arizona, California, Hawaii, Illinois, Maine, Massachusetts, Michigan, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Texas, Utah, Virginia, Washington, West Virginia.

^[vi] Connecticut State Police Crimes Analysis Unit; <http://www.dps-data.ct.gov/dps/ucr/ucr.aspx>.

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