



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, Representative Buck-Taylor, Representative Godfrey, Representative Harding, Senator McLachlan, Representative O'Neill, Representative Shaban, Representative Smith and members of the committee. My name is Ann Rodwell-Lawton and I am the Legislative Liaison and Director of Education, Training, and Outreach at the Women's Center of Greater Danbury. The Women's Center is the sole provider of services to victims of domestic violence and sexual assault in upper Fairfield and lower Litchfield county areas. During fiscal year 2015, the Women's Center provided life-saving services to over 26,817 individuals in our 13 town service area. All services provided were free, confidential, and trauma informed. These services include emergency shelter, individual counseling, safety planning, court advocacy, support groups, crisis intervention through two 24-hour hotlines, lethality assessments, and educational and primary prevention programs. We serve victims and their children in 13 towns in the Greater Danbury area including Bethel, Bridgewater, Brookfield, Danbury, Kent, New Fairfield, New Milford, Newtown, Redding, Ridgefield, Roxbury, Sherman, and Washington.

HB 5054 & HB 5623

We urge your support of HB 5054 and HB 5623, which will provide the most comprehensive protection to 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.

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.ⁱ And women in an abusive relationship are 5 times more likely to be killed if their abuser has access to a firearm.ⁱⁱ 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%.ⁱⁱⁱ Finally, at least 20 other states have recognized the 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.^{iv}

The most dangerous time for a victim of domestic violence is when she or he takes steps to end the relationship.^v Because domestic violence is all about power and control of one partner over the other, when a victim makes steps to end the relationship, like filing a temporary restraining order, the abuser begins to realize that he or she is losing control over the victim. This often results in the offender taking more extreme actions to regain control. The threat of increased violence, when a victim files for a restraining order, is real.

Connecticut has seen an average of 14 intimate partner homicides annually since 2000. 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.

At the Women's Center it is not uncommon for victims we work with to express palpable fear and distress about their abuser having access to firearms. This often results in victim's feeling constantly on guard and in a state of alarm. This impacts our safety planning with victims, whether that is utilizing our emergency, confidential shelter or staying at another undisclosed location.

Recently we worked with a client that filed for a temporary restraining order and it was granted by the court. Her abuser had been emotionally, verbally, sexually, and physically abusive. Despite all the different forms of abuse she endured, the highest concern for her was his access to firearms. Her abuser repeatedly talked about his interest in guns, the joy and power he felt when using a gun, and made it very clear that he had access to firearms. He disclosed to the victim's close friends that he had vivid dreams about killing her with a handgun. He also told the victim that he had dreams about shooting and killing her friends. It is clear that he enjoyed telling the gruesome details of these dreams and the fear it produced in the victim. He used the threat of violence via firearms as a means to maintain control and power in the relationship, knowing that this fear is paralyzing and would result in compliance as a means for safety.

While waiting the two weeks for her hearing we were highly concerned about her safety. She reported having increased anxiety because she did not know how he responded when he was served. We provided intensive safety planning with the victim. Her colleagues at work, parents, friends, and the security at her residence were made aware of the situation and were told to call the police immediately if they saw him. Her family and close friends also made sure their own residences were secure in case he showed up looking for her. We also provided safety planning for getting to and leaving court.

If HB 5054 and HB 5623 were passed, this victim would have had more peace of mind as she waits for her court date to receive a full, one year restraining order. I cannot stress more to you the sense of urgency, vulnerability, and danger victims feel during the two week temporary restraining order period when they know abusers have access to firearms.

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.

The 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, 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.

HB 5054 and HB 5623 are important measures that create strong protections for victims of domestic violence at the most vulnerable time. During the two weeks of a temporary restraining order the threat of violence is the greatest. The removal of firearms during this time period will save a life.

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

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ⁱ 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.

ⁱⁱ Supra note 3

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

^{iv} 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.

^v 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.

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