

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 and members of the committee. *The Center for Family Justice* provided life-saving services to over 4000 people served in FY 15. Services provided include Domestic Violence, Sexual Assault, Child abuse, Advocacy, Crisis hotline, Safe house. We serve victims and their children in the towns of Bridgeport, Easton, Fairfield, Monroe, Stratford and Trumbull in Fairfield County

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.

I have had some victims of domestic violence speak with me about obtaining a restraining order, not all the victims understand the process. When the process is explained to them some victims, they will not

apply for the restraining order because they are very afraid of what may occur when their abuser is served. Victims know that when the abuser is served they may be in more danger and that is something that they fear. In one instance, a victim I spoke with told me "There is no point he will kill me before we make it back to court within 14 days". This woman was extremely afraid of her abuser and she knew that he had a gun I explained to the victim that if the restraining order was granted the abuser would have to hand in his firearms. The victim laughed and said "I will be dead before that happens". Victims have a right to feel safe not only with the restraining order being granted but also without having a fear of their abuser harming them with a gun after the restraining order has been granted for 14 days. Safety planning with these type of victims is very challenging because victims do not feel that they will be safe at all. In this kind of situation victims have to relocate either to a shelter or with family out of town that their abuser may not know about. This process is very difficult for the victims and especially their children because now they have to adapt to all these changes and it's very hard for the victim to adapt as well as maintain their family "safe".

A common issue that I see with restraining orders being served is that the abusers don't always stay in one place. Victim's might have an address of where these abusers might stay but it's difficult because sometimes they are mobile and don't have a reliable address. I have had to turn people away because they do not have an address for the person, victims feel that nothing is going to help them. I try to explain that any address may suffice for example, a work address, a family member, or friend's address. Victims are usually overwhelmed and don't always find an address to give and they feel helpless.

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.

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

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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>.