



Coalition of Organizations Against Domestic Violence

Member Organizations

The Umbrella Center for Domestic Violence Services
Ansonia, CT

The Center for Family Justice
Bridgeport, CT

Women's Center
Danbury, CT

Domestic Violence Program United Services
Dayville, CT

Network Against Domestic Abuse
Enfield, CT

Domestic Abuse Services
Greenwich YWCA
Greenwich, CT

Intervol Home
Hartford, CT

Chrysalis Domestic Violence Services
Meriden, CT

New Horizons
Middletown, CT

Prudence Crandall Center
New Britain, CT

The Umbrella Center for Domestic Violence Services
New Haven, CT

Safe Futures
New London, CT

Domestic Violence Crisis Center
Norwalk, CT

Women's Support Services
Sharon, CT

Domestic Violence Cable Center
Stamford, CT

Susan B. Anthony Project
Torrington, CT

Safe Haven
Waterbury, CT

Domestic Violence Program United Services
Willimantic, CT

Testimony in Support of

SB 324, AAC a Temporary Hold for Certain Family Violence Arrestees
SB 363, AAC Revisions to Various Statutes Concerning the Criminal Justice System

Judiciary Committee
March 7, 2016

Good morning Senator Coleman, Representative Tong and members of the committee. CT Coalition Against Domestic Violence (CCADV) is the state's leading voice for victims of domestic violence and our 18 member organizations that serve them. Our members provide essential services to over 40,000 victims of domestic violence each year. Services provided include 24-hour crisis response, emergency shelter, safety planning, counseling, support groups and court advocacy.

We urge your support of SB 324 and SB 363, sections 5 and 8-9.

SB 324

Domestic violence is a pattern of control and coercion by one intimate partner over the other. Therefore, the period following the arrest of an abusive individual on charges related to domestic violence can be particularly volatile as the abuser experiences a time when he or she is not at all in control. Yet under current state law, an individual who has been arrested for family violence may post bail immediately. This results in some family violence arrestees only being held for an hour or two after an arrest – the amount of time it takes to be transported to the local police department, processed, and post the required percentage of the bond set by the police. Such a brief period of time is inadequate for victims to formulate a safety plan, gather important belongings, pick up children, or find a safe place to stay.

Domestic violence is a unique offense where perpetrators may immediately return to the scene of the crime – their home – following an arrest. While law enforcement may set conditions of release that prohibit them from returning to their home or going near the victim, that's not always enough to keep these offenders away. And because they have lost control, they may take extreme actions to regain control of the victim.

This bill proposes that certain family violence arrestees be temporarily held for 8 hours or until their arraignment, whichever is sooner. The temporary hold would be based on the presence of evidence-based risk factors that indicate an increased likelihood of fatal violence. The risk factors include:

- 1) The use or threatened use of a deadly weapon by the arrested person or a pattern of prior conduct involving the use or threatened use of violence with a firearm against the victim
- 2) Threats to seriously injure or kill the victim or a minor child by the arrested person
- 3) Serious physical injuries inflicted upon the victim or a minor child by the arrested person

The lethality risk factors included in this bill that would trigger the proposed 8 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. At least 6 other states allow for temporary hold of certain family violence offenders (Alabama, Indiana, Massachusetts, Mississippi, Nevada, Tennessee).

The implementation of an 8-hour holding period enhances a victim's safety in the aftermath of family violence. It provides family violence victims with the critical time to make safety decisions for themselves and their children, as well as the necessary time to act on those decisions. Please see Appendix A for a sample safety plan for a victim who needs to flee their home because of severe physical violence or threats of severe physical violence. Could you accomplish all of those tasks in just a few hours?

Recommended change:

We do recommend removing the third risk factor listed regarding threats of suicide (Lines 48-49). In speaking with our partners in law enforcement they indicated that most police departments have protocols for transporting any individual within their custody who threatens to harm themselves to a hospital for evaluation and treatment. It is not our intent to impede this existing protocol.

This bill, with the above change, passed unanimously out of this committee last year, as well as the Senate (it was not called for a vote in the House). We urge your support again this year.

SB 363 (sections 5 and 8-9)

Section 5 of the bill allows the court to issue a standing criminal protective order in certain cases, including those involving family violence, that are dismissed or nolle. This will be a welcome change for many victims whose abusers have all restrictions removed related to contact with them upon dismissal or nolle, including those involving completed diversionary programs. While we are supportive of batterer intervention programs that prioritize offender responsibility and educate them on healthy relationships, those programs are not always successful. By not giving the court the ability, when deemed appropriate, to continue restricting contact with victims following completion of one of these programs, the judicial system is leaving many victims in a very vulnerable situation. This is a commonsense change and we urge the committee's support.

Sections 8 and 9 of the bill add victims of sexual assault in a spousal or cohabitating relationship to statutes concerning the privacy of such victims. It is crucial that these victims of family violence be afforded the same privacy rights as other victims. We urge the committee's support of this addition.

Thank you for your consideration. Please do not hesitate to contact me with questions or for additional information.

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APPENDIX A

Take a look at a typical safety plan for a domestic violence victim who needs to flee her or his home because of an imminent risk of serious physical danger. Would you be able to complete all of these steps within just a few hours before your abuser is bailed out of jail? Please keep in mind that many victims going through these steps have just experienced a significant trauma and need to do all of this at a particularly volatile and frightening time.

- Pack a bag with everything that you will need to live for at least a week – clothes, personal items, medications, etc.
- Gather all of your personal identification documents – birth certificate, passport, social security card, work permits, green cards, driver's license and registration, health insurance card and related paperwork, etc.
- Gather personal finance documents – checkbook, ATM cards, information on bank accounts or other assets, mortgage or lease agreement if you are listed
- In the process of getting a divorce? Be sure to gather all of the related paperwork and don't forget the number for your attorney.
- Have an existing restraining or protective order? Be sure to gather that paperwork.
- Have kids? Be sure to gather their clothes, personal items, medications, birth certificate, social security card, passport, vaccination records, health insurance card, medical records, school records, etc. Make sure to take the names and phone numbers of their pediatricians and school/teachers. Don't forget their favorite toys, blankets, etc. They are going to be very scared so anything you can bring to comfort them will help. Also, if it's the middle of a weekday, go to school and get them because your abuser knows where they are and that may be the first place he or she goes upon making bail.
- Have pets? Gather them up including their food, medical records and name/phone number of the veterinarian. If you are going to a domestic violence shelter, they can't go with you, but the shelter will assist with attempting to secure a temporary foster home.
- In all likelihood you will not have time to gather up additional sentimental or valuable items, but try since those will be the first things that your abuser will look to destroy.
- Call a trusted family member or friend to let them know where you are going.