



Connecticut Coalition 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

Intervall House
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 Crisis 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 442, AAC a Victim's Right to be Reasonably Protected from a Person Accused of Committing a Crime

SB 444, AAC Penalties for Family Violence Crimes that a Child Witnesses and Establishing a Working Group Concerning Information and Communications Related to Victims of Family Violence

HB 5605, AAC the Termination of Parental Rights

HB 5621, AAC Human Trafficking

Testimony in Opposition of

SB 443, AAC Notification to Victim Support Groups of the Names of Victims of Domestic Violence

**Judiciary Committee
March 14, 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 442, SB 444, HB 5605 and HB 5621.

We urge your opposition of SB 443.

SB 442 (Support)

Section 1 of the bill requires the Commissioner of Emergency Services and Public Protection to provide written notification to persons, including victims of domestic violence, who are protected under civil restraining or criminal protective orders, that the respondent of the order has complied with the requirements to surrender, deliver or transfer any firearms as a result of the issuance of such an order. As the Office of the Victim Advocate points out, victims have a state constitutional right to be reasonably protected from the accused. These orders can result in increased risk for the victim. Victims provide important information to the court about the respondent or defendant's possession of firearms, including those not necessarily properly registered. However, victims do not receive notification that the respondent or defendant has complied with the court order to surrender those firearms. We often get panicked calls from victims who are afraid that their abuser still has firearms. This measure will provide them with a small measure of safety knowing that the defendant has complied with the firearm surrender requirements and we urge your support.

Section 3 of the bill requires law enforcement, upon an arrest, to provide notice to a victim of a crime, including domestic violence victims, related to the arrest and

arraignment of the offender. As the Office of the Victim Advocate points out, victims have a state constitutional right to information about the arrest, conviction, sentence, imprisonment and release of the accused. It is imperative that victims are notified when an offender is arrested and provided information about the offender's arrest so that the victim may then engage in the criminal justice process. Absent this information, it is possible that critical decisions in the criminal matter will be made, at arraignment, without the knowledge of or participation of the victim.

SB 443 (Oppose)

We have significant concerns about the safety risks posed to victims by this bill and urge your opposition.

This bill will allow municipal police departments to disregard existing laws related to victim confidentiality and, without the victim's permission, pass her or his name on to "domestic violence victim support groups." As written, this is a very broad group of entities that could easily go well past Connecticut's 18 state and federal-funded providers of support services for victims of domestic violence. The bill calls for the groups to be limited to those "approved by the Judicial Department or which are under contract with a state agency or the municipality for the provision of victim support services." The Judicial Branch does not currently maintain such a list and the bill language provides no guidance or explanation of how any such list would be created or the qualifications that would be required to be "approved."

Connecticut's 18 state and federal-funded providers, those organizations that make up CCADV's membership, adhere to strict oversight and standards monitoring to ensure compliance with federal Violence Against Women Act (VAWA) guidelines. All counselors must go through certification training and maintain supervision by an employee of the funded agency. While we are unaware if any state agencies or municipalities contract with other agencies for the provision of domestic violence victim support services, even if such contracts do exist we do not know if they require such strict oversight to adhere to any sort of guidelines. If victims' names are shared with agencies that do not have to adhere to VAWA, then there is nothing in the language that permits the further disclosure of victim names by those entities to other individuals or entities.

Connecticut General Statute § 46b-38b outlines the assistance that law enforcement must provide to a victim of family violence at the scene including: *"(3) informing the victim of services available, including providing the victim with contact information for a regional family violence organization that employs, or provides referrals to, counselors who are trained in providing trauma-informed care; (4) referring the victim to the Office of Victim Services"*. The section goes on to establish a domestic violence liaison in every municipal department. CCADV and our 18 member organizations maintain relationships with each one of those liaisons ensuring that the departments are well-versed on where to refer victims for services. This is our coalition's preferred method of outreach to be conducted by law enforcement - allow the officer to give the victim information and let the victim make the decision about whether or not to contact that service provider.

Connecticut utilizes the Lethality Assessment Program (LAP) to assess the risk posed to victims of domestic violence following a call to the police. The program is currently used by the State Police, State DEEP Police, and 78 municipal and college police departments. If a victim screens in as high danger, the police officer is trained to call the local domestic violence organization within CCADV's membership ONLY if the victim gives permission. These are high danger situations, but we respect the victim's decision as to whether she or he is ready to receive victim support services. Every victim deals with the trauma of her or his abusive relationship differently. It is not for us to tell the victim how she or he should react. All we can do is give them information about available services and urge them, when they are comfortable and ready, to access those services. Forcing victims who are not ready into service simply will not yield successful results.

We are extremely concerned that this bill will allow the names of victims of domestic violence to be shared with individuals who run "support groups" who may have no training or oversight of any kind. Will these individuals then be calling victims to attend the support group? What if the victim says no? Will they keep calling? Are we potentially opening up victims of domestic violence to stalking and harassment by people who run "support groups"? Any such practices will almost certainly increase the trauma that victims experience.

We also caution that such a violation of a victim's privacy and trust will likely deter her or him from ever seeking police assistance again. As a coalition, we are extremely confident in and proud of the work we have done with all 110 police departments in the state of Connecticut. Our members have good relationships with local law enforcement and we are confident that those police departments provide the contact information for our members to all victims of domestic violence. We believe that this partnership is the best way to alert those victims who come into contact with police of our services.

SB 444 (Support)

Section 1 of this bill seeks to establish enhanced penalties for those individuals convicted of family violence crimes when those crimes are committed within the sight or hearing of a child.

According to the US Attorney General's National Task Force on Children Exposed to Violence, exposure to domestic violence, whether experienced directly or indirectly, can be traumatic for children and adolescents and can have an adverse impact on healthy emotional and physical development. Children exposed to domestic violence, including witnessing intimate partner violence (IPV) between their caregivers, may show increased aggression, persistent sleep problems, increased anxiety, difficulty with peer relationships and diminished capacity to concentrate in school. IPV exposure can interrupt a child's core sense of security and trust and provoke deep feelings of helplessness, guilt, or shame associated with the child's inability to make the violence stop or to protect the non-offending parent.

This issue impacts many children in Connecticut. According to the Connecticut Judicial Branch, approximately 25 percent of cases handled by its Family Services Division in 2012 and 2013 involved a child physically present during an arrest. Likewise, according to Connecticut's most recent Family Violence Arrest Annual Report 2013, there were 18,437 incidents of family violence in which at least one person was arrested. In over 11% of those incidents (2,077), children were directly involved as either victims or offenders. In an additional 20% of those incidents (3,758), children were present in the household but were not involved in the incident. In 2012, the CT Department of Children and Families (DCF) reports that there were 5,690 families receiving support and intervention from the agency with substantiated DV in the home (3,973 in 2013 and 4,319 in 2014). Finally, in fiscal year 2015, CCADV's 18 member organizations provided intervention services to 5,839 children with a parent that had been victimized by a partner.

Given these troubling statistics, we urge the General Assembly to consider ways that enhanced penalties could be used to address the seriousness of committing acts of intimate partner violence in front of children.

Section 2 of the bill establishes a working group to evaluate and make recommendations for improved methods for sharing information across executive, judicial and municipal agencies, including all relevant contracted community-based agencies, related to parties involved in cases of family violence while maintaining appropriate victim confidentiality. This proposal stems from the Task Force to the Study the Statewide Response to Minors Exposed to Family Violence, which met from July 2015 through January 2016.

Recommendation 5.6 of the task force findings and recommendations calls for the "creation of a working group to further discuss how information might appropriately be shared across systems to include child welfare, law enforcement, schools, all judicial divisions including juvenile courts, including the probate courts, and domestic violence advocates in circumstances of family violence. This may include reviewing use of existing forms completed by litigants that indicate other pending court cases, or developing new forms that will facilitate the court receiving information about other pending cases. The working group will discuss and research various methods of information sharing and consider the legal implications of said methods as they relate to confidentiality, and make specific findings and recommendations regarding information sharing across systems..."

The creation of such a working group is significant as various state agencies consider ways to share information about victims and their families who may otherwise not be involved with a particular state agency. While well-intentioned, there can be many unintended consequences of sharing victim

information, including those that will make her or him less safe. Such a working group will be able to have a thoughtful conversation that weighs the practical and legal implications that proposed information sharing will have on victims, including their likelihood to seek assistance if they feel that their information or situation will be shared without their permission.

HB 5605 (Support)

We would like to align ourselves in support of CT Alliance to End Sexual Violence and this measure. This bill proposes that the state adopt a standard of "clear and convincing evidence" when deciding whether or not to terminate the parental rights of a rapist whose choice to rape their victim resulted in pregnancy. It is unconscionable to force a rape victim to proceed through a custody battle or the prospect of co-parenting with a rapist. This standard would replace Connecticut's current requirement of a conviction to terminate the parental rights of the rapist and is in line with 12 other states that do not require a conviction (Colorado, Florida, Idaho, Illinois, Louisiana, Missouri, New Hampshire, Oklahoma, South Dakota, Texas, Vermont and Wisconsin). National statistics demonstrate that charges for rape result in convictions approximately 2% of the time. The recently passed federal Rape Survivor Child Custody Act incentivizes states to adopt the "clear and convincing" standard by offering to grant an additional 10% of the annual Violence Against Women Act (VAWA) funds that come to the state. In Connecticut, that would mean approximately an additional \$200,000 each year for five years. We urge your support.

HB 5621 (Support)

This bill proposes several recommendations by the Trafficking in Persons Council, of which CCADV is a member, and the Permanent Commission on the Status of Women. We support efforts to create greater protections for victims of trafficking and greater accountability for those who support this horrific crime. It is critical that the state addresses the demand side of human trafficking. Recommendations include various reporting and training requirements that seek to educate and hold accountable those business owners that support trafficking with business practices that are known to be used by traffickers. The bill also includes fines for individuals found guilty of patronizing a prostitute as well as forfeiture of property used or intended to be used for such a crime.

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

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