

Testimony regarding

HB 5054, AA Protecting Victims of Domestic Violence HB 5597, AA Protecting Victims of Domestic Violence Seeking Restraining Orders

Judiciary Committee
March 14, 2016

Good morning Senator Coleman, Representative Tong and members of the committee. The Center for Family Justice has provided life-saving services to victims and their children in the towns of Bridgeport, Stratford, Fairfield, Trumbull, Monroe & Easton. Our services include free and confidential counseling for adults and children, safety planning, Advocacy Services, Crisis and Safe Home Services, court advocacy services, support group services, self-sufficiency services, MDT services, and other services necessary to ensure victims of domestic and sexual violence are having their needs met

HB 5054

We urge your support of HB 5054, 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 this bill 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.

Often clients come through our doors who experience gun violence or threats of gun violence by their abusers, which can significantly impact safety planning and the client's general options. For instance, recently an advocate worked with a female mother of 2 children who initiated services as a crisis walk-in, stating that the father of her child continued to threaten, stalk and harass her, and also harasses and stalks her through his family and friends. The client was concerned about her safety because her abuser knows where she lives and several days ago, there was banging on her door in the middle of the night as well as scratches and spit on her car. The client also stated her abuser has a history of being in jail for

gun violence and is concerned that he is not afraid to go back to jail. The client disclosed that her abuser has threatened to use gun violence on her in the past, and knows that he has a history of using guns on others. Due to this high level of risk, this client and her daughters became fearful of leaving the home or opening the shades. Her children were terrified of the ongoing incidents/threats, and began exhibiting severe trauma symptoms, such as wetting the bed, regressing in age appropriate behaviors, trouble sleeping, and other issues. The client attempted to involve the police, however, they did not press any charges and no police reports were filed. The client feared that filing a restraining order would make the abuser more upset, and due to the fact that the abuser has easy access to weapons, part of her safety plan was to wait until she could relocate to a safe location before filing for a Restraining Order. The client was eventually forced to leave her home and public housing in order to move into a temporary domestic violence shelter due to the increasing threats and incidents of stalking. If the client was able to file for a Restraining Order immediately without the threat of gun retaliation, this client may not have had to resort to such drastic measures to keep herself and her children safe.

When victims do decide to file for a Restraining Order, the issues they often face in having these orders served effects their level of risk significantly. For instance several clients have recently reported that the marshal does not reach out to the victim or follow-up in any way after serving the order, leaving the victim unsure of when or if the abuser received the Restraining Order. This uncertainty often makes it difficult for clients to safety plan, especially in high risk cases. There are also currently no mechanisms in place that ensure the marshal serves the abuser the restraining order by hand. Because of this, marshals may drop off the paperwork on the doorstep and don't directly hand it to the abuser, which could result in the abuser not knowing about the hearing and/or the Restraining Order being dropped.

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 (discussed above on page 2) 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. While we have already outlined our concerns regarding the risk warrant and reasons why we believe 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.

For example, recently the adult advocate reporting working with a Jamaican female client that came in as a crisis walk-in reporting instances of verbal and physical abuse with her boyfriend for over 10 years. The client stated that over the years she had called the police multiple times to her residence when her

boyfriend became abusive, however the police often spoke with the abuser when they arrived and ignored her concerns, failed to file a police report, and no arrests were made. The client stated that each time following the police coming to the home, the abuse would escalate. Also, because the police did not provide appropriate intervention, the client was left feeling stuck in the situation and forced to deal with the abuser's retaliation. The final time the client attempted to involve the police, an officer reportedly informed her that if they had to report to the home again for a domestic violence call, that the client would also be arrested, in addition to the abuser. The client did express that due to her escalating safety risk when she did involve the police, coupled with the fact that the police did not make an arrest or hold the abuser accountable in any way, she had come to the decision that involving the police again would not help but would actually be further damaging to her in that it could interfere with her safety. As a result, the client's safety plan was negatively impacted and she was forced to consider uprooting her entire life and relocating to a safe home. Unfortunately, many clients have reported similar issues with police involvement and often choose not to involve the police in their safety plan as it may pose a greater risk to their physical safety by doing so.

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>.