



## Judiciary Committee

Governor's H.B. 5052: *An Act Strengthening Protections for Victims of Human Trafficking*  
Governor's Bill No. 5054, *An Act Protecting Victims of Domestic Violence*  
House Bill No. 5597: *An Act Protecting Domestic Violence Victims Seeking Restraining Orders*  
House Bill No. 5621: *An Act Concerning Human Trafficking*  
House Bill No. 5623: *An Act Concerning Violence Against Women and Victims of Trafficking*

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March 14, 2016

The Connecticut Women's Education and Legal Fund (CWEALF) is a statewide non-profit organization dedicated to empowering women, girls, and their families to achieve equal opportunities in their personal and professional lives. For 40 years, CWEALF has provided information, referral, and support to women seeking guidance about issues involving family law, employment discrimination, and civil rights, many of whom experience domestic violence.

We support Governor's H.B. 5052: *An Act Strengthening Protections for Victims of Human Trafficking*; Governor's Bill No. 5054, *An Act Protecting Victims of Domestic Violence* House Bill No. 5621: *An Act Concerning Human Trafficking*; and House Bill No. 5623: *An Act Concerning Violence Against Women and Victims of Trafficking* as effective tools for victims of domestic violence and human trafficking. Many of CWEALF's clients experience domestic violence within the context of family law cases; as such, we are aware of the sensitive issues presented by these situations. As several provisions are duplicated across the above-referenced bills, this testimony is organized by topic.

### Measures to Improve the Delivery of Restraining Orders

CWEALF closely tracked the work of the Restraining Order Task Force in 2014. During the task force's tenure it became clear that there are several striking problems within the current system:

- Many restraining orders are never served due to marshals' inability to locate the respondents. Without service, restraining orders are not enforceable and victims remain unprotected.
- There is no reliable method of tracking the success or failure of service. On a systemic level, data collection is critical for accountability among those responsible for service. It is also critical for the court process to run smoothly. Furthermore, victims often times do not know whether or not the respondent had been served, making safety planning difficult or impossible.

- When a marshal fails to serve notice in the limited time frame, victims are currently forced to reapply for a new order, a time-consuming and emotional process.
- Marshals are not readily accessible to victims as they are only available at the courthouse at two 30-minute periods per day, or on a different schedule according to the region and court.

For these reasons, CWEALF supports these proposals as a first step in solving some of these issues. It is important for marshals to access and input information quickly into the automated registry of orders to enhance tracking, and better inform victims about the status of their order. We also support the courts ensuring office space for restraining order applicants to meet privately with state marshals to discuss their case and service. Simplifying the process of applying for an application and a one-page plain language explanation of the process will greatly assist victims who currently have difficulty navigating the complicated process.

Perhaps most importantly, CWEALF supports the ability of judges to extend the temporary (ex parte) order if the applicant is present at the two-week hearing but the order has not yet been served upon the respondent. Forcing victims to begin the process anew, solely due to the failure of service to the respondent, is unfair and burdensome.

In addition to these proposals, we suggest consideration of increasing the number of victim advocates housed within courthouses to assist victims with applications and safety planning; and increased use of law enforcement officers to serve restraining orders more effectively.

One of the topics discussed most during the task force meetings was the current delay in serving restraining orders and the large percentage of orders that are *never* served. We encourage the committee to consider integrating law enforcement officials as a more significant option for service. Due to their access to civil and criminal databases, law enforcement is much more equipped to locate respondents and can easily ascertain whether a respondent is licensed to carry a weapon. Law enforcement officers are armed and specifically trained to de-escalate volatile situations, making them better able to deal with dangerous or armed respondents.

The task force learned that the vast majority of states, especially in the northeast, use law enforcement as the primary servers, or at least as optional servers. A Massachusetts State Trooper presented information in person to the task force about current practices in Massachusetts, which does not experience the current lag time and large number of unserved orders that Connecticut does. The trooper indicated that service of restraining orders is typically accomplished within 24 hours, and almost never more than 48 hours following the court order. We suggest that this option be considered further. However, it should be combined with best practices so that each restraining order does not necessarily lead to arrests and/or criminal action.

#### Temporary Removal of Firearms

CWEALF supports a temporary removal of firearms during temporary (ex parte) restraining orders. The most dangerous time for a victim of domestic violence is when that person takes steps to end the relationship. Women in an abusive relationship are five times more likely to be killed if their abuser has access to a firearm.

Clients with an abusive spouse often come to CWEALF seeking information and resources about initiating a divorce. Beginning such proceedings in the midst of violence, however, can also result in danger to the victim. It is imperative that victims are protected as best as possible during these times, especially when they choose to make major changes that can be perceived as threatening to the abuser.

We oppose House Bill No. 5597, which would trigger an automatic risk warrant process when a victim states that he or she believes the respondent “poses a risk of imminent personal injury” to them. While the bill is well-intentioned, this standard would likely apply to almost all victims, and perhaps unknowingly to the victim, trigger a process involving the criminal court and law enforcement. While this is a measure that can help victims, it is not always in the best interest of the victim to contact the police and may create more administrative burden for them to pursue both a civil restraining order and a risk warrant simultaneously.

### Human Trafficking

CWEALF supports H.B. 5621: *An Act Concerning Human Trafficking* and H.B. 5623: *An Act Concerning Violence Against Women and Victims of Human Trafficking* as mechanisms to strengthen protections for victims of human trafficking and diminish the demand for such exploitive practices of women and girls in our state.

In 2006, Connecticut passed one of the nation’s toughest laws in regard to human trafficking by creating a felony crime of trafficking in persons. Since then, however, just 10 arrests and zero convictions have been made for trafficking in persons, suggesting that we must implement additional policies to ensure that such violations of human rights are caught and punished. H.B. 5261 and H.B. 5623 take action against the demand side of prostitution by raising the age in the crime of enticing a minor to 18 and removing the mistake of age defense in the crime of patronizing a prostitute.

These bills provide measures to protect victims of human trafficking and halt the continuum of exploitation that has allowed instances of trafficking in our state to steadily increase since 2012. Section 6 of H.B. 5621, for example, prohibits hotels and motels from offering hourly rates while Section 11 expands current law to include rest stops and adult entertainment facilities to post information on human trafficking – two measures that target commercial businesses acting as vehicles in promoting the exploitation of women and children in our state.

CWEALF also supports Governor’s H.B. 5052: *An Act Strengthening Protections for Victims of Human Trafficking* with one key suggestion. Concurrent with the recommendation of the Trafficking in Persons Council, CWEALF suggests the removal of the mistake of age defense maintained in Section 3 of the Governor’s bill. Claiming a lack of awareness of a child’s age when purchasing sex often results in a lower charge when the case goes to court and undermines statewide efforts to protect children from predators.

These bills will help the state end this cycle of exploitation by beginning to address the crime of trafficking in persons. We would, however, also suggest that additional resources be directed

toward addressing the root causes of exploitation and trafficking, which is vulnerability. Increasing adequate shelter services, job training opportunities, access to a living wage, and other positive strategies for youth are tactics that should be combined with tougher penalties proposed here.

Thank you for your consideration.