

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, Representative Steve Stafstrom, Representative Ben McGorty and members of the committee. The Center for Family Justice provided life-saving services to over 8,567 people in FY 2015. Services provided include Civil and Criminal Court Advocacy, Community Education and Prevention, Domestic Violence Advocacy, Integrated Family Violence Services, Legal Services, Multidisciplinary Investigative Team, and Sexual Violence Advocacy. We serve victims and their children in the towns of Bridgeport, Fairfield, Easton, Stratford, Monroe, and Trumbull.

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.

A.D. recently came to The Center for Family Justice out of extreme fear and not knowing how to get help and remain safe. Her husband of five years has become increasingly violent and his behavior has been extremely erratic. He has threatened to punch her, pinned her down during an argument, took photos of her while naked, without her knowledge, and then blackmailed her with these photos if she attempted to leave him, and he attempted to drive them both head first into a tree at high speeds, only to stop at the last second. His adult children also live in the house and have become increasingly aggressive to A.D. and her minor children. Recently, A.D. learned that her adult step-son was about to receive a gun permit. Her terror for herself and her children have increased dramatically, knowing that there would be a firearm in her home. She has asked her husband and his children to leave, but they refuse to go. She is terrified of the safety repercussions of serving him them with restraining orders, or her husband with divorce papers. She and her children have become trapped in an extremely violent situation with no place to go. This proposed legislation would give A.D. and the many others like her, the peace of mind to seek out the protection they need while removing the firearms from the already extremely violent situation.

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.

HB 5597

We urge your rejection of HB 5597, which, though well-intentioned, poses an unnecessary risk to victims of domestic violence.

Referring back to client A.D. mentioned above, it is not in her best interest to contact the police at this time because the initiation of an investigation would put her and her children in immediate physical danger from her husband and his adult children. They are all living in the house together and without the proper safety plan in place, contacting the police could be disastrous. Additionally, after speaking with law enforcement in our catchment area, we learned that the use of a risk warrant to seize a firearm during the restraining order process is too time consuming to be effective. Law enforcement needs to establish probable cause and the investigation can take hours, days, or even weeks depending on the situation. Once law enforcement has established probable cause, the realities of finding an available judge to sign the warrant can also be extremely time consuming. The unintended effect would be to expose the victims to an escalation of violence because it is taking too long to seize the firearms. Although we understand concerns about violating someone's rights, it is our position that a person who engages in violent, abusive behaviors should not have his/her right to bear arms valued more than the victim's right to personal safety. This is not about taking away all guns, this is about taking guns out of the hands of violent abusers.

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 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.

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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>.