



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

Interval 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 Regarding

SB 18, AAC a Second Chance Society

Judiciary Committee
March 23, 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.

While we understand the research and concept of raising the age of juvenile court jurisdiction to include individuals up to the age of 20, we would like to highlight several areas of concern related to family violence and how the juvenile system will need to be altered to appropriately meet the needs of "young adult" offenders and victims of this crime.

CGS § 46b-38a defines "family violence crime" as a "crime as defined in section 53a-24, other than a delinquent act as defined in section 46b-120, which, in addition to its other elements, contains as an element thereof an act of family violence to a family or household member. "Family violence crime" does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse."

This bill proposes to add the new category of "young adult" to the individuals over whom the juvenile court system may have jurisdiction for certain crimes. Over the course of three years, individuals aged 18, 19 and 20 will become "young adults" in the eyes of Connecticut's criminal justice system. With very few exceptions, the crimes that these individuals commit will be considered "delinquent acts," even when that delinquent act constitutes a "serious juvenile offense" that may be prosecuted in the adult court system. Under the current statutory scheme, none of these individuals will be able to be considered to have committed a family violence crime.

A number of proactive policies have been put in place over the years to increase offender accountability and victim safety when a family violence crime has been committed. Under existing statute, none of these policies will be applicable when the person arrested is a "young adult":

- **Mandatory arrest - §46b-38b(a)** – "Whenever a peace officer determines upon speedy information that a family violence crime has been committed within such officer's jurisdiction, such officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime."

This means that, under the current proposal, 18-20 year olds who abuse their intimate partners will not necessarily have to be arrested.

- **Next day arraignment – §54-1g(a)** – "Any arrested person who is not released sooner or who is charged with a family violence crime as defined in

section 46b-38a... shall be promptly presented before the superior court sitting next regularly for the geographical area where the offense is alleged to have been committed."

This means that, under the current proposal, protective orders will not be put into place protecting the victims of 18-20 year olds who commit what would traditionally be considered acts of family violence until the offender is presented to a judge, which could be weeks later.

- **Nonfinancial conditions of release – §54-63c(b) –** "If the person is charged with the commission of a family violence crime, as defined in section 46b-38a, and the police officer does not intend to impose nonfinancial conditions of release pursuant to this subsection..."; "may impose nonfinancial conditions of release which may require that the arrested person do one or more of the following: (1) Avoid all contact with the alleged victim of the crime, (2) comply with specified restrictions on the person's travel, association or place of abode that are directly related to the protection of the alleged victim of the crime, or (3) not use or possess a dangerous weapon, intoxicant or controlled substance."

This means that, under the current proposal, upon the release of 18-20 year olds who have committed what would traditionally be considered acts of family violence, police will be unable to place any restrictions on where they may go or what they may do to the victim. Any such protections would now only be put in place under a protective order, but, as mentioned above, that could leave the victim without any protection for weeks.

- **Family violence intervention units - §46b-38c –** "There shall be family violence response and intervention units in the Connecticut judicial system to respond to cases involving family violence. The units shall be coordinated and governed by formal agreement between the Chief State's Attorney and the Judicial Department."

This means that, under the current proposal, neither 18-20 year old offenders who commit what would traditionally be considered acts of family violence, nor their victims will have access to a variety of services offered by the family violence intervention unit. For victims, this includes a connection to a Family Violence Victim Advocate (discussed below) and other victim services through the local domestic violence agency, as well as participation in the offender's risk assessment. For offenders, this means they will not have access to the pretrial family violence education program or batterer intervention programs.

Although these policies are currently not applicable to individuals up to and including the age of 17, adding 18-20 year olds is a different discussion. While there is a great deal of evidence demonstrating that individuals at this age do not have fully developed brains, many of them, regardless of the level of their brain development, participate in adult, intimate partner relationships. And sometimes those relationships are abusive with very serious family violence crimes being committed.

Crimes of family violence have unique elements that have engendered a unique response from this General Assembly. Failing to ensure that the aforementioned policies, such as next day arraignment and nonfinancial conditions of release, apply to "young adults" will be a great disservice to their victims and potentially subject them to further and/or more intense violence.

Of particular concern is victim accessibility to Family Violence Victim Advocates (FVVs). CCADV and our 18 member organizations are currently funded through a combination of Judicial Branch Office of Victim Services Criminal Injuries Compensation funds and federal Victims of Crime Act (VOCA) funds to provide victim advocacy in each of Connecticut's criminal courts. There is currently no funding available to provide these services in juvenile court. Therefore, under existing funding, every family violence victim of a "young adult" offender will be unable to access the services of FVVs. This means that these victims will not have access to:

- Safety planning with a certified domestic violence counselor
- Advocacy to ensure that their voice and input are considered throughout the prosecution
- Readily available guidance on the court process, including their rights as a crime victim

- Information on additional community-based options, resources, and supports for victims of domestic violence

Again, while we do not deny that research supports the position that 18-20 year olds do not have fully developed brains, we also cannot deny that many of these individuals are in intimate, adult relationships and some choose to act abusively towards their partner. Even if you call it a "delinquent act," it is still family violence. Failing to provide victims of such abusive relationships with crucial services designed to enhance their safety and protection should not be a consideration.

We would also like to point out that while there are a few exceptions to those acts committed by "youths and young adults" considered to be delinquent, including violation of a criminal protective or standing criminal protective order, **criminal violation of a restraining order (§53a-223b)** is not one of those exceptions. Under this proposal, individuals between the ages of 18-20 who violate a civil family violence restraining order will be considered to have committed a delinquent act. That is simply unacceptable and we urge that, **if this measure is passed and prior to implementation on July 1, 2017, that §53a-223b be added to the list of exceptions for delinquent acts found in §46b-120.**

Finally, our state has taken significant steps to increase data tracking of family violence crimes. CGS §46b-38d requires officers responding to family violence crimes to complete a "family violence offense report" that provides valuable information to a number of policymakers and program administrators. Under this proposal, offenses committed by "young adults" against a family or household member will no longer be tracked using this report since, technically, they will not have committed a family violence crime, they will have committed a delinquent act. Failing to capture these crimes as what they truly are, family violence crimes, will result in the loss of useful information as we seek to protect victims.

It is important to note that while CGS §46b-133f provides for a "family violence mediation program" in juvenile matters, it specifically carves out acts committed against intimate partners (e.g., current or former spouse, current or recently former dating partner, or someone with whom the offender has a child in common). There is no provision in this program to address intimate partner violence, which will be a likely scenario among 18-20 year old "young adults" committing what has traditionally been viewed as a family violence crime.

Connecticut has made great strides in responding to family violence, prioritizing victim safety and offender accountability. While we support evidence-based policy aimed at reducing recidivism, as the proposal before us does, we caution about unintended consequences that may result in decreases to both offender accountability and victim safety. We urge the General Assembly and the Juvenile Justice Policy Oversight Committee to very carefully assess the infrastructure of the juvenile court system and the proposed statutory scheme in relation to its ability to meet the needs of offenders and victims of family violence. We welcome the opportunity to participate in that work.

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

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