



**PA 18-5—sSB 466**  
*Judiciary Committee*

**AN ACT CONCERNING DUAL ARRESTS AND THE TRAINING  
REQUIRED OF LAW ENFORCEMENT PERSONNEL WITH RESPECT  
TO DOMESTIC VIOLENCE**

**SUMMARY:** This act requires a peace officer, in responding to a family violence complaint made by two or more opposing parties, to arrest the person the officer believes is the dominant aggressor. The act does not prohibit dual arrests, but discourages such arrests when appropriate. It does not apply to (1) college and university students who live together in on-campus housing and (2) tenants who live together in a residential rental property, who are not in a dating relationship.

Under the act, a “dominant aggressor” is the person who poses the most serious ongoing threat in a situation involving a suspected family violence crime (see BACKGROUND).

The act also:

1. establishes the factors a peace officer must consider in determining which person is the dominant aggressor,
2. allows the officer to submit a report to the state’s attorney for further review and advice on the conduct of the person or persons not arrested, and
3. gives the officer immunity from civil liability based on such determinations under (1) or (2).

It expands certain police and state’s attorneys’ training programs to include training on the factors for determining a dominant aggressor in a family violence case. It also allows (1) an entity representing the statewide domestic violence coalition to assist with the training curriculum and (2) certain domestic violence agencies to conduct training.

It also makes technical and conforming changes.

**EFFECTIVE DATE:** January 1, 2019

**ARRESTS**

Under prior law, when two or more opposing parties made complaints of family violence, the peace officer had to evaluate each complaint separately to determine whether to make an arrest or seek an arrest warrant. If the officer determined that a family violence crime had been committed, the officer had to arrest the alleged perpetrator and charge the person with the appropriate crime, except the officer was not required to arrest someone who used force in self defense.

## OLR PUBLIC ACT SUMMARY

The act explicitly states that the peace officer is not required to arrest both people. It requires the officer to (1) evaluate each complaint separately to determine which person is the dominant aggressor and (2) arrest that person.

Under existing law, unchanged by the act, the officer's decision to arrest and charge the perpetrator must not be based (1) on getting the victim's specific consent, (2) on the relationship of the parties, or (3) solely on a victim's request.

By law, a peace officer investigating a family violence incident must not threaten to arrest all parties to discourage any of them from requesting law enforcement intervention.

### DOMINANT AGGRESSOR FACTORS

The act requires the peace officer, in determining who is the dominant aggressor, to consider:

1. the need to protect domestic violence victims;
2. whether one person acted in self-defense or to defend a third person;
3. the relative degree of any injury;
4. threats creating fear of physical injury; and
5. any history of family violence between the people involved, if it can reasonably be obtained by the peace officer.

### PEACE OFFICER'S REPORT TO THE STATE'S ATTORNEY

The act allows a peace officer who believes probable cause exists for the arrest of two or more persons, instead of arresting or seeking an arrest warrant for anyone determined not to be the dominant aggressor, to submit a report detailing the person's conduct to the state's attorney for the judicial district in which the incident took place for further review and advice.

### TRAINING PROGRAMS

#### *Police Officer Standards and Training Council (POST) Education and Training Program*

The act expands the POST education and training program for law enforcement officers, supervisors, and state's attorneys on the handling of family violence incidents to include training on the factors for determining a dominant aggressor in a family violence case.

By law, the training program must also include topics such as the (1) nature, extent, and causes of family violence and (2) legal rights of, and remedies available to, victims of family violence and people accused of family violence.

#### *Basic or Review Training Program*

By law, each police basic or review training program conducted or administered by the State Police, POST, or municipal police departments must provide a minimum of two hours of training on domestic violence, such as techniques for handling incidents of domestic violence that promote victim safety. The act requires these programs to also include training on factors for determining

## OLR PUBLIC ACT SUMMARY

a dominant aggressor in a family violence case.

The act requires the State Police, POST, or municipal police departments to develop the training program curriculum in consultation with the Division of Criminal Justice and an entity representing the statewide domestic violence coalition, rather than in consultation with the Connecticut Task Force on Abused Women and with its approval.

The act allows domestic violence agencies, instead of the task force's individual shelter programs, to conduct domestic violence training in conjunction with any police training program. It requires these agencies' training to be conducted pursuant to POST guidelines and certification requirements.

### BACKGROUND

#### *Family Violence*

By law, "family violence" means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault, including stalking or a pattern of threatening, between family or household members. It does not include verbal abuse or argument unless there is present danger and the likelihood that physical violence will occur (CGS § 46b-38a(1)).

#### *Family Violence Crime*

By law, "family violence crime" means a crime, other than a delinquent act, which, in addition to its other elements, contains an element of an act of family violence to a family or household member. It does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse (CGS § 46b-38a(3)).