
OLR Bill Analysis

SHB 5399 (as amended by House "A")*

AN ACT CONCERNING THE CRIMINAL JUSTICE RESPONSE TO VICTIMS OF SEXUAL ASSAULT.

SUMMARY

This bill establishes, within the legislative branch, the Sexual Assault Criminal Justice Response, Enhancement, and Model Policy Advisory Council to (1) evaluate the current criminal justice response to sexual assault incidents involving adult victims; (2) develop a model policy for responding to these incidents; (3) by July 1, 2025, submit the initial policy to the Police Officer Standards and Training Council (POST); and (4) annually review and, if necessary, update the policy and submit it to POST.

The bill requires POST to annually review and approve the model policy and distribute it to law enforcement units that, starting by September 1, 2025, must annually adopt and maintain a written policy that at a minimum meets the standards of the most recently distributed model policy. Starting by September 1, 2025, POST must also annually submit recommendations on the model policy to the legislature.

The bill also provides additional assistance to sexual assault victims by (1) expanding the resource document that the judicial branch's Office of Victim Services (OVS) must annually compile for domestic violence victims to also include services and resources available to sexual assault victims; (2) requiring local school boards to provide this information to individuals who do not feel safe due to sexual assault; and (3) establishing that it is a police officer's responsibility to provide immediate assistance to a victim at the scene of a sexual assault incident or at the time the complaint is filed (e.g., by referring the victim to OVS).

*House Amendment "A" (1) limits the applicability of the underlying bill's provisions on sexual assault incidents to only those involving

adult victims, (2) removes the requirement that the council examine family violence restraining orders, (3) requires police officers to also provide sexual assault victims immediate assistance at the time their complaint is filed, and (4) makes various minor and technical changes.

EFFECTIVE DATE: Upon passage for the provision requiring OVS to expand the content of its resource document; July 1, 2024, for the provision establishing the advisory council; October 1, 2024, for the provision on police officers' responsibility to provide victim assistance; and July 1, 2025, for the provision expanding the circumstances under which boards of education must distribute the OVS resource document.

§ 1 — SEXUAL ASSAULT CRIMINAL JUSTICE RESPONSE, ENHANCEMENT, AND MODEL POLICY ADVISORY COUNCIL

The bill establishes a 26-member Sexual Assault Criminal Justice Response, Enhancement, and Model Policy Advisory Council to evaluate the current criminal justice response to sexual assault incidents involving adult victims in Connecticut and establish a model policy for responding to these incidents. The council is part of the legislative branch, and the Public Safety and Security Committee administrative staff must serve as the council's administrative staff.

Model Policy

In developing the model policy, the council must conduct the examinations it deems appropriate, including evaluating the:

1. policies and procedures law enforcement agencies use when responding to sexual assault incidents;
2. accuracy of data the Department of Emergency Services and Public Protection (DESPP) and the judicial branch's Court Support Services Division (CSSD) collect, and collecting and analyzing any additional data related to sexual assault and the criminal justice response available from judicial branch court operations, state's attorneys, public defenders, sexual assault victim advocates, or operators of sexual assault offender programs;

3. risk assessments used throughout a sexual assault case from arrest through adjudication;
4. arrest, prosecution, penalties, and monitoring for violations of civil protection orders or criminal protective orders related to sexual assault;
5. programming offered to individuals convicted of a sexual assault crime who are currently incarcerated with the Department of Correction (DOC); and
6. criminal justice stakeholders training and education.

Membership and Appointments

The six legislative leaders and the governor must each appoint one council member. The House speaker, Senate president pro tempore, and House and Senate minority leaders may appoint General Assembly members. The House majority leader's appointee must be a municipal police officer with experience providing training related to sexual assaults. The Senate majority leader's appointee must be a representative of a community-based organization that provides group counseling or treatment to individuals who have committed sexual assault.

The council must include additional members appointed as follows:

1. two by the DESPP commissioner, one who is a State Police representative with experience providing training related to sexual assault, and one who is a State Police commanding officer;
2. four by the Chief Court Administrator, who must be a Superior Court judge assigned to hear criminal matters, a family relations counselor or a CSSD supervisor, a CSSD administrator, and an OVS administrator;
3. four by the Connecticut Alliance to End Sexual Violence chief executive officer, who must be a sexual assault victim, a victim advocate with courtroom experience in sexual assault matters,

the executive director of a community-based organization that provides direct services to individuals impacted by sexual assault, and a Connecticut Alliance to End Sexual Violence representative; and

4. one appointed by the president of a Connecticut police chiefs association, who must be an association representative.

Lastly, the council must also include the Office of Policy and Management secretary, Board of Pardons and Paroles chairperson, DESPP and DOC commissioners, POST chairperson, chief state's attorney, chief public defender, and victim advocate or their designees.

All council members must be appointed before October 1, 2024, and every four years after that. They serve for a four-year term, may be reappointed, and continue to serve until a successor is appointed and qualified. The appointing authorities fill any vacancies.

Deadlines

The bill requires the advisory council to develop the initial model policy and submit it to POST by July 1, 2025. The advisory council must annually review and, if needed, update the policy and submit it to POST.

Starting by August 1, 2025, POST must annually: (1) review the model policy and any updates; (2) approve them, with or without modifications; and (3) distribute the model policy to each law enforcement unit (see BACKGROUND).

Each law enforcement unit must annually adopt and maintain a written policy that meets or exceeds the standards of the most recently distributed version of the model policy, starting by September 1, 2025.

POST must annually report, starting by September 1, 2025, to the Judiciary and Public Safety and Security committees, recommendations for statutory or policy changes within the advisory council's jurisdiction. The report must include any updates or modifications to the model policy and any recommendations for sexual assault offender

programs.

§ 2 — POLICE OFFICER RESPONSIBILITIES

Under the bill, it is a police officer's (see BACKGROUND) responsibility at the scene of a sexual assault incident involving an adult victim, or when a complaint of such an incident is filed, to provide immediate assistance to the victim, which must include:

1. helping the victim get medical treatment if it is required;
2. informing the victim of available services, including providing the victim with (a) contact information for a regional sexual assault organization that employs, or provides referrals to, counselors who are trained in providing trauma-informed care, and (b) a copy of the information on services and resources available to victims of sexual assault (see §§ 3 & 4 below);
3. if there is a child at the scene or present when the complaint is filed, and the child's parent or guardian is also present, providing the parent or guardian with a copy of the documents on behavioral and mental health evaluation and treatment resources available to children for the appropriate mental health region; and
4. referring the victim to OVS.

§§ 3 & 4 — OVS SEXUAL ASSAULT RESOURCE DOCUMENT

Current law requires OVS, in consultation with the Connecticut Coalition Against Domestic Violence, to annually compile information on services and resources available to domestic violence victims. Starting by December 1, 2024, the bill requires OVS to (1) also consult with the Connecticut Alliance to End Sexual Violence in compiling this information and (2) include information on services and resources available to sexual assault victims.

Under current law, the information OVS compiles on the services and resources must include:

1. referrals available to counseling and supportive services, including the secretary of the state's Safe at Home program, shelter services, medical services, domestic abuse hotlines, legal counseling and advocacy, mental health care, and financial assistance; and
2. procedures to voluntarily and confidentially identify eligibility for referrals to the counseling and supportive services, which must be translated into, and provided in, multiple languages, including English, Polish, Portuguese, and Spanish.

The bill also requires the information to include referrals to sexual crisis centers and sexual assault hotlines.

As under existing law and the bill, OVS must provide the information it compiles to various places, including the State Department of Education (SDE), the State Police and each municipal police department, and each ambulance company and organization.

Under existing law, SDE must disseminate the above information to local and regional school boards each school year. Each school board must, in turn, require that the information be provided to any student or student's parent or guardian who expresses to a school employee (see BACKGROUND) that the student, parent, or guardian, or a person residing in the home, does not feel safe because of domestic violence. Under the bill, school boards must also require that this information be provided in instances where the person does not feel safe due to sexual assault.

BACKGROUND

Police Officers, Law Enforcement Unit, and School Employee

By law, "police officers" are sworn members of an organized local police department or of the State Police; appointed constables who perform criminal law enforcement duties; special police officers appointed under law; or any members of a law enforcement unit who perform police duties.

A "law enforcement unit" is any state or municipal agency or

department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a).

A “school employee” means a teacher, substitute teacher, school administrator or superintendent, guidance or school counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by a local or regional school board or working in a public elementary, middle, or high school, or any other individual who, in the performance of his or her duties, has regular contact with students and provides services to or on behalf of students enrolled in a public elementary, middle, or high school pursuant to a contract with the local or regional school board (CGS § 10-222d).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 2 (03/19/2024)