

# Task Force to Study the Statewide Response to Minors Exposed to Family Violence – **DRAFT 11/19/15**

## Law Enforcement

### Background on Connecticut's Family Violence Laws and Law Enforcement's Response:

#### Connecticut Law:

The law outlines appropriate action by police responding to family violence crimes. With one exception, the police must arrest the person or persons suspected of committing the violence and charge them with the appropriate crime. However, a police officer does not have to arrest a party he or she reasonably believes used force as a means of self defense.

In making their decision whether to arrest, the police may not take into account the relationship of the victim and suspect or whether the victim wants the suspect arrested, except an arrest is not mandatory when the parties are in a dating relationship. The police may not discourage intervention requests by threatening or suggesting the arrest of the victim and suspect. When the police receive complaints from two or more opposing parties, they must evaluate each complaint separately to determine whether to make an arrest or seek an arrest warrant. If no cause exists for an arrest, the officer must remain on the scene until the likelihood of imminent violence is eliminated (CGS § 46b-38b).

Upon determining that a family violence crime has been committed, a police officer may seize any firearm or electronic defense weapon in the possession of the suspect or in plain view and return it not later than seven days thereafter unless the owner is prohibited from possessing it or a court orders otherwise. A person may be prohibited from owning a gun for several reasons, including a restraining order prevents it.

Police officers must also help victims get medical treatment, inform them of their right to file an affidavit or warrant for arrest, inform them of services available to victims, and refer them to the Office of Victim Services (CGS § 46b-38b).<sup>1</sup>

Police officers responding to a family violence incident must complete a family violence offense report whether or not an arrest is made. All arrests must be reported to the public safety commissioner on a form prescribed by him that includes the parties' ages and sex; whether weapons were used; the existence of substance abuse; the existence of any prior court orders; **and an indication of whether children were involved or present.** A copy of the report is sent to the state's attorney in the judicial district where the arrest was made. Anyone who fails to

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<sup>1</sup> <https://www.cga.ct.gov/2009/rpt/2009-R-0349.htm>

make such a report can be fined up to \$500. The commissioner must compile statistics on family violence crimes and publish them annually (CGS § 46b-38d).<sup>2</sup>

### **Training:**

Each law enforcement agency has, in conjunction with the Division of Criminal Justice, developed specific operational guidelines for arrest policies in family violence incidents. The guidelines include procedures for conducting the investigation, procedures for arrest and victim assistance, education on what constitutes speedy information in a family violence incident, procedures for providing services to victims, and any other applicable criteria (CGS § 46b-38b(e)).

The Police Officer Standards and Training Council, in conjunction with the Division of Criminal Justice, has set up education and training programs for police and state's attorneys on handling family violence incidents. The training includes (1) criminal law enforcement in family violence cases and the use of community resources; (2) the nature, extent, and causes of family violence; (3) the legal rights of victims and offenders; (4) the services available to victims and batterers; (5) the legal duty of officers to make arrests and offer protection and assistance; and (6) techniques for handling incidents that minimize the likelihood of injury to the officer and promote the victim's safety (CGS § 46b-38b(f)).

### **Reporting:**

According to the most recent Family Violence Arrest Report, there were 18,437 incidents of family violence in which at least one person was arrested during 2013. This represents over an 8% decrease since 2012. For each incident one offense type was recorded following a hierarchy rule to ensure the most serious offense was counted. About 85% (15,650) of cases involved an arrest for assault, breach of peace or disorderly conduct, which is over an 8% decrease from 2012. In over 11% (2,077) of the incidents, children were directly involved as either victims or offenders. In an additional 20% (3,758) of the incidents, children were present in the household, but were not involved in the incident. In 68% (12,602) of the incidents children were neither involved nor present. Windham County had the highest rate of Family Violence crimes with 834 incidents per 100,000 inhabitants. Fairfield County had the lowest Family Violence crime rate with 351 incidents per 100,000 inhabitants.<sup>3</sup>

### **Policy:**

Connecticut's Statewide Model Policy for Police Response to Crimes of Family Violence – Model Policies, Procedures and Guidelines represents Connecticut's model policy for all law enforcement to follow as a minimum standards and is aimed at serving as a meaningful guide when responding to incidents of family violence. The Family Violence Prevention and Response Act represents a national model of cooperation among the multiple agencies, organizations, and

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<sup>2</sup> Ibid

<sup>3</sup> <http://www.dpsdata.ct.gov/dps/ucr/data/2013/2013%20Family%20Violence%20Arrest%20Report.pdf>

individuals who respond to incidents of family violence. The law is very specific regarding the responsibilities of police officers when handling family violence cases.

### **Task Force Findings:**

The Task Force to Study the Statewide Response to Minors Exposed to Family Violence received a presentation from Commissioner Dora Schriro from the Department of Emergency Services and Public Protection (DESSP) in regard to “Law Enforcement’s Response to Children at the Scene of a Family Violence Incident.” The group also heard about Connecticut’s REACT Program through Jason Lang, Ph.D. Director of Dissemination and Implementation Child Health and Development Institute, University of Connecticut Health Center, Lieutenant Sean Grant, Manchester Policy Department and Amy Evison, LMFT, Senior Program Director, Community Health Resources, Inc. Additionally, task force members received Connecticut’s Statewide Model Policy for Police Response to Crime of Family Violence – Model Policies, Procedures and Guidelines.<sup>4</sup>

- Connecticut State Police offer public protection in 81 out of 169 towns in Connecticut through localized troops or resident troopers.
  - According to Connecticut’s 2013 Family Violence Offense Report:
    - 60% of calls in Eastern Connecticut are family violence.
    - 15% of calls in Central Connecticut are family violence
    - 45% of calls in Western Connecticut are family violence.
- Through the Family Violence Offense Report – which is submitted to DESPP only if an arrest is made – information in regard to children witness to or present at the scene is captured in section 22, A Child under 18 years old was: Involved, Present, N/A. Under section 11 Status Codes, there is query for Relationship C: Other relative residing in the home. This may offer opportunity to understand children and/or ages of children but not entirely clear.
- Connecticut law enforcement receives 20 hours of training at the recruit stage – not inclusive of minimal facts training – and then additional ongoing training on domestic violence annually, at four hours per year. (check that fact)
- There are several models of Trauma-Focused Evidenced Based Practices for children exposed to intimate partner violence being used in Connecticut to include TF-CBT, TARGET, CFTSI, CBITS, MATCH, and EMDR.
  - Common elements include education about trauma and effects, gradual exposure, emotion regulation, cognition and caregiver-child communication/support.
  - Among children completing TF-CBT in Connecticut
    - 46% decrease in PTSD symptoms
    - 51% decrease in depression symptoms
  - Cost Savings: Trauma Focused Therapy
    - TF-CBT Study (Delaware)

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<sup>4</sup> [http://www.ct.gov/post/lib/post/general\\_notices/domestic\\_violence\\_model\\_policy\\_9-13\\_adopted.pdf](http://www.ct.gov/post/lib/post/general_notices/domestic_violence_model_policy_9-13_adopted.pdf)

- 5 times fewer costs for higher level care in the year following treatment
- There are 29 TF-CBT Agency Locations in Connecticut
- Responding to Children of Arrested Caregivers Together (REACT)
  - Model development and pilot 2011-14
  - Funded by Institute for Municipal and Regional Policy (CCSU)
  - Focus on children whose caregiver was arrested
  - Law enforcement & EMPS mobile crisis collaboration
  - Collaboration with CIT-Youth through CT Alliance to Benefit Law Enforcement.
  - 66% of REACT cases were for domestic incidents
  - In most police departments statewide, calls to EMPS when children are at the scene of a family violence incident are 0.
  - Goal:
    - Prevent and address trauma experienced by children
    - Enhance law enforcement knowledge about child trauma
    - Enhance EMPS mobile crisis response
    - Increase children receiving EMPS mobile crisis response
    - Utilize existing resources

### **Task Force Recommendations:**

- In regard to the DPS 230 Family Violence Offense Report
  - Amend item 22 to more fully capture children witness to violence as well as age of the children (s). It may also be meaningful to capture where the children attend school.
  - Consider report submission in cases where there was **not** an arrest to more fully understand incidents of family violence and children witness to violence.
- Connecticut's Statewide Model Policy Police Response to Crimes of Family Violence – Model Policies, Procedures and Guidelines.
  - Consider amending Connecticut's current model policy to include stronger guidance for law enforcement in regard to children at the scene of a family violence incident.
    - Connecticut's current policy pg. 9 "Responding Officer" requires that the officer determine whether children are present and complete the following if necessary:
      - Ascertain that they are safe and unhurt
      - If child abuse/or neglect is suspected report to DCF by phone and complete form DCF-136.
      - Interview children as witnesses according to circumstances and department policy; make arrangements for their care if dual custodial arrests are made.
      - Do not use children to serve as an interpreter for the adult.

- It may also be meaningful to develop protocol or policy in regard to follow-up the next day w/ an officer and the child's school.
  - Consider guidance, language in regard to the use of EMPS services for children at the scene of a family violence incident.
- Appropriate agencies in mental health, child welfare, and law enforcement should work collaboratively to identify opportunities to more fully offer children trauma-informed services and a response at the scene of a family violence incident and to develop strategies which measure impact.
- Establish cross-training and community collaboration among domestic violence advocates, DCF caseworkers, behavioral health specialists and law enforcement in regard to utilizing EMPS and offering a coordinated response at the scene for the child (s) exposed to family violence.