

**Task Force on the Expansion of Civil Restraining Orders**  
**Draft Minutes**  
**September 26, 2013 Meeting**

- I. Judge Solomon, Chair, opened the meeting.
- II. The Task Force members introduced themselves. Members in attendance were: Judge Eliot Solomon, Ms. Laura Cordes, Executive Director, CONNSACS, Ms. Ivonne Zucco, Executive Director, The Center for Sexual Assault Crisis Counseling and Education, Attorney Jennifer Celentano, Assistant State's Attorney James Turcotte, Judge Elizabeth Bozzuto, Judge David Sheridan, Judge Raheem Mullins and Attorney Tinisha St. Brice. Rep. Mae Flexer joined the meeting in progress.
- III. Background Information - Laura Cordes & Ivonne Zucco

Ms. Cordes stated that CONNSACS' goal is to ensure that all sexual assault victims have access to civil restraining orders. Most sex offenders are not strangers but do not fall under the definition of "family or household members," as set out in C.G.S. § 46b-38a. Oftentimes, they use trust to coerce, manipulate and assault victims. Victims are most vulnerable after they report an assault to the police. Investigations take time, and do not always result in an arrest. She cited the examples of a college student whose assailant is a fellow student and the parents of a child who has been assaulted and are awaiting the outcome of an investigation. To handle these situations, CONNSACS introduced legislation in 2013 to provide victims with the option of applying for a civil order of protection.

Ms. Zucco discussed the difficulty of prosecuting sexual assault cases and cited real-life examples of cases where there was a sexual assault but no arrest, either because the case could not be proven or because the victim didn't want to prosecute. The accused perpetrators often intimidate and harass victims and their families.
- IV. Summary of Current Restraining Order Process - Judge Solomon

Judge Solomon explained the current process for obtaining a Restraining Order. One problem is that many people do not show up for the hearing that is scheduled at the time of application. In addition, some do attend the hearing but decide not to pursue the matter and withdraw their application.
- V. Information about Other States – Deborah Fuller

Ms. Fuller gave a PowerPoint presentation on how other states handle Civil Protection Orders for sexual assault, stalking and harassment (see attached).
- VI. Roundtable Discussion – Task Force Members

Ms. Cordes: The Task Force should focus on those moments in time when victims are especially vulnerable – after reporting the assault to the police but prior to an arrest, and post-sentence. She suggested identifying a few states that recently amended their laws to

allow civil restraining orders in sexual assault and looking at how it was implemented there. She noted that Massachusetts recently made the change.

Atty. Turcotte: Protective orders on the criminal side can be ordered against anyone, including non-family members (C.G.S. § 54-1k). It used to be fairly common practice to also order Standing Criminal Restraining Orders against non-family members. However, in State v. Clark (137 Conn. App. 203, 2012) the Connecticut Appellate Court held that C.C.S. sec. 53a-40e authorizes the court to issue a standing criminal protective order only against family or household members. This has created a gap on the criminal side that needs to be addressed. Atty. Turcotte supports Ms. Cordes' proposal.

Judge Bozzuto: C.G.S. § 46b-15 is not being used the way that was intended at the time it was enacted. Instead, it is being used to cover a wide variety of non-domestic violence scenarios, including criminal behavior that is not pursued by the police. She grants a hearing on all applications so that the parties have an opportunity to be heard.

Judge Sheridan: He has had an experience similar to that of Judge Bozzuto. He also agrees with the point about the dangerous time between reporting the crime and arrest. In his experience reviewing applications for arrest warrants in the G.A, he often saw that the investigation had taken a long period of time. The reason that most Restraining Orders do not concern domestic violence may be because most of those situations end up on the criminal side of court.

Judge Mullins: He agrees with Judges Bozzuto and Sheridan. He sat on criminal side presiding over the Domestic Violence docket, where many of the charges are Disorderly Conduct and Breach of the Peace, and there is always a protective order put in place at the time of arraignment. Credibility is always an issue. On the criminal side, it seems like the police are charging everyone and letting the judge figure it out. He suggested that there should be overlap between criminal and civil.

Attorney St. Pierre: Her experience backs up the suggestion that police are not making arrests and are instead referring people to court for Restraining Orders. She cited a specific example of this involving one of her clients. The Restraining Order docket in Hartford, which is held on Thursdays, is very busy -- there are only 2-3 Family Relations Counselors to handle approximately 60 cases.

Judge Solomon: There are a number of logistical issues. It is clear that some gaps exist, but if the statutes are amended to expand civil protective orders, how should it be done? Which division of the court would handle it? There are security issues with bringing people who have committed crimes into family court. Also, the skill set of Family Relations Counselors may not be what is needed for non-domestic violence cases.

A discussion about the logistical and practical issues of expanding the scenarios covered by civil orders of protection ensued. A concern was expressed that the Task Force would not want to do anything that would diminish the reporting of sexual assaults to the police. The idea of linkage – allowing people who are seeking remedy through the

criminal justice system to get a civil order of protection – would address some of the concerns expressed about enhanced danger during that time and should be explored further.

Judge Solomon asked how linkage to criminal system would impact CONNSACS' clients. Ms. Zucco responded that CONNSACS encourages, but does not pressure, their clients to pursue prosecution. CONNSACS' clients are often dismayed to learn that there is no protection available after they report an assault to the police. Ms. Cordes stated that obtaining a civil protective should not be contingent on reporting the crime, because many victims do not want to report the assault – they want to keep the matter private.

Wrapping up the discussion, Judge Solomon suggested that Judicial Branch staff could come up with a proposal – with involvement of members – for people to react to. The membership was amenable to this suggestion.

#### VII: Establishment of Meeting Schedule

Judge Solomon suggested that the Task Force would need to hold at least 2, but no more than 4, additional meetings. Two meetings were scheduled:

11/7/13 at 2:00

12/5/13 at 2:00

A draft proposal will be sent to members a week before the 11/17/13 meeting. Atty. Fuller will be the contact person for comments. Her e-mail address is [deborah.fuller@jud.ct.gov](mailto:deborah.fuller@jud.ct.gov).

The meeting adjourned at approximately 3:45 p.m.