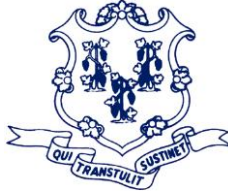


The Connecticut General Assembly



Domestic Violence Criminal Justice Response and Enhancement Advisory Council Arrest Warrants & Orders of Protection: Compliance, Enforcement & Outcomes Subcommittee

MEETING MINUTES Wednesday, August 21, 2024

MEMBERS PRESENT: Attorney Phyllis DiCara, Joe DiTunno, Honorable Kevin C. Doyle, CJ Forcier, Attorney Gail Hardy, Merit Lajoie, Capt. Heather LaRock, Rep. Tammy Nuccio, Andrea O'Connor, GERALYN O'NEIL-WILD, Marc Pelka, Chief Robert Rosado, Attorney Nancy Tyler

- I. **CALL TO ORDER**
Chairwoman GERALYN O'NEIL-WILD called the meeting to order at 11:05 am.
- II. **WELCOME AND INTRODUCTION OF SUBCOMMITTEE MEMBERS**
Welcoming remarks and members introduced themselves.
- III. **MEETING MINUTES APPROVAL**
Marc Pelka made a motion to accept the July meeting minutes with one correction on page five, the spelling of Marc Pelka's name. Secnd CJ Forcier. All in favor with the exception of Merit LaJoie abstaining as she was not present for the August meeting.
- IV. **PRESENTATION**
LAW ENFORCEMENT: ORDERS OF PROTECTION AND FIREARM MONITORING AND COMPLIANCE
CT STATE POLICE SPECIAL LICENSING & FIREARMS UNIT

Sergeant Brianna Maurice with the CSP, Special Licensing & Fire provided an overview of the Special Licensing and Firearms Unit, current laws, how they have progressed and where things are today related to procedures that are in place related to firearms, domestic violence, orders of protection, surrender/transfer of firearms, pending charges/probation and AR conditions, suitability cases, and return of permits/firearms.

Sgt. Maurice: A pistol permit or an eligibility certificate is needed to purchase anything here in the State of Connecticut. That was not always the case until the Sandy Hook legislation. Now, there is an extensive background check that is conducted during the original application process for both of those certificates and pistol permits. The difference between the 2 is a pistol permit allows you to buy and carry an eligibility certificate merely allows you to buy and bring home.

The Connecticut General Assembly

When purchasing a firearm with one of these certificates or permits, typically the person goes to a gun dealer and either brings someone that has a gun that the individual wants to buy, or the individual can buy off the shelf at a firearms dealer here in Connecticut. They have to fill out pretty extensive paperwork, both on the Federal level and the State level, and then they contact the SLFU, where a background check is run on the individual purchasing to make sure that they are still eligible to receive. Permits and eligibility certificates last for the duration of a 5-year term. Initial background check for those permits is only run at the time of issuance. So, every 5 years SLFU runs a background check when issuing that permit or eligibility certificate. The purchase is then logged, make, model and serial number, and that information is sent to the SLFU, and we register that firearm to that individual. The SLFU does about 140,000 firearm transfers a year.

Confidentiality of the permit holder. So, name and addresses are confidential for any permit holder in the State of Connecticut, and with everybody now needing a pistol permit or eligibility to purchase a firearm. That information is confidential, except to those 3 individuals:

- law enforcement officials acting in the performance of their duties
- for verification that such state or temporary state permit is still valid and has not been suspended or revoked
- such information may be disclosed to the Commissioner of Mental Health and Addiction Services

One of the biggest hurdles related to confidentiality is that SLFU will receive calls from domestic violence advocates and victims inquiring if an offender/respondent is compliant, but victims and advocates do not fit into one of the three exceptions.

Update to timeframe for surrendering of firearms from 48 hours to immediately or within 24 hours. Law Enforcement Model policy was updated with weapons requirements so all departments across the State 169 towns and 11 troops would be doing it the same. This has also been a hurdle.

On the criminal side, when there is a domestic violence arrest, if they make bond, they have conditions of release and within those conditions the defendant is required to not possess weapons, but there is nothing in those conditions of release that requires them to surrender their firearms. Those 48 hours from the arrest to the court date is the most dangerous time for a victim.

Law enforcement are encouraged and are pretty good about securing the firearms either in clear view or on consent at the scene. This makes it safe for everyone. Law enforcement knocking on a door after a protective order is issued can be lethal.

When an order of protection is issued there is a direct feed from the Protective Order Registry to the Special Licensing & Firearms Unit (SLFU). The SLFU contacts local law enforcement agencies notifying them that a defendant/respondent is prohibited from possessing and identify what firearms the defendant/respondent has registered. Notification is sent via fax and email. Typically, the timeline for local law enforcement notification is the next business day.

The Connecticut General Assembly

Law enforcement may seize any firearms, ammunition, or electronic defense weapon at the scene of a domestic where a crime has been alleged to have been committed if it is in the possession of the offender/suspect or that is in plain view (C.G.S. 46b-38b(a)).

At the scene or upon surrender of any firearms or ammunition, or if the offender indicates that he/she is not in possession of, nor does he/she have access to, any firearms or ammunition and there is no other evidence to suggest the contrary, law enforcement will have the offender complete the Firearm and Ammunition Compliance Statement form (DPS-332C) or similar indicating the same. The form is not a requirement.

Regarding restraining orders and enforcement, the procedure is the same. The process is the same. The requirements for criminal possession are the same. The only difference to this is that there is expedited hearing. If there is an allegation of a pistol permit that's built into the statute.

In Connecticut we have incorporated the Federal disqualifiers for firearms. This includes being convicted of a misdemeanor crime of domestic violence. If they are convicted in any court, in any state of a misdemeanor crime of domestic violence, they are now prohibited here in the State of Connecticut.

V. DISCUSSION

Merit LaJoie : Is there any consequence if they do sign the compliance form and we find that they do have a firearm, is there any enforcement? what happens? What are your thoughts on making it mandatory to sign the compliance form (DPS-332C)?

Sgt. Maurice: SLFU works with the State's Attorneys. If a defendant refuses to sign, they do not want to acknowledge anything, we can present a warrant for criminal possession of a firearm and proof. Also, if they are found later with a firearm law enforcement charges for criminal possession. It would be great if it was mandatory and that is what CCADV, the Chief State Attorney's Office and SLFU have been talking about. If it was a requirement, it also would be better for law enforcement. We would be able to hold people accountable.

CJ Forcier: How many states have mandatory registration laws?

Sgt. Maurice: Not sure of the exact number but there are not many.

Joe DiTunno: If someone is arrested, has a permit and a weapon and SLFU knows that the individual is in some sort of violation, SLFU sends the police in their town a notification and then what do the police do?

They would contact you, can knock on your door, they should have very current information based on the arrest the night prior. Law enforcement would let the individual know that they understand there is a protective order against them, do they know? Where are their firearms? This is what is registered to you. You need to surrender those and or sign a compliance statement, saying that you don't own anything you and you don't have anything else.

The Connecticut General Assembly

If police can not locate the individual they can continue to follow-up and notify the States attorney's office and at the next court date the State can follow-up if the defendant is not complying with the conditions of the court.

Joe DiTunno: would it be fair to say after 5 days SLFU would know who is compliant and who is not?

Sgt. Maurice: Yes. SLFU log everything – take copies of compliance statements, logs of firearms surrendered.

Joe DiTunno: If the police were going to another domestic, would they be able to see if the individual was compliant or not?

Sgt. Maurice: Law enforcement would have no way of knowing whether the individual was compliant or not.

Geralyn O'Neil-Wild: Is there a uniform policy and procedure for law enforcement regarding follow-up for compliance?

Sgt. Maurice: In the Model Policy it states that an individual in the police department has to follow-up but there is not any timeframe – could be that day, in three days when resources allow.

Geralyn O'Neil-Wild: Connecting the presentations we have had so far that touched on this issue of firearms and orders of protection – it appears in our silos we are all asking the questions and collecting information. We also know there are some gaps in the systems – offender/respondents are not always compliant with surrendering firearms in that 24 hr. period, and there is not a uniform, safe, effective protocol across the State to monitor and enforce compliance. We also know that victims do not have a right to be informed of whether a defendant or respondent is compliant.

Merit Lajoie: When there's a Nolly, and you have that 13-month period. How is that handled.

Sgt. Maurice: That's handled once that protective order is over, it's not considered a conviction in our eyes. So, everything goes back to them within that period, within that 13 month.

Merit Lajoie: Is the compliance statement a sworn statement?

Sgt. Maurice: It is a sworn statement, and they sign it. There is a penalty of perjury or charges for making a false statement. That statute is present on the bottom of it at the time they sign it.

Judge Doyle: For non-lawyer people, because it comes up in the criminal court where a defendant shows up and is arraigned on a domestic violence charge. Then it is their second court date. They are before the court; they do not have an attorney, and I specifically ask them - have you turned over your firearms as you're required to do. Simple question, very simple but the problem is by doing that, I have now basically asked the defendant to incriminate himself. One possibility might be to have a statute

The Connecticut General Assembly

that says for any domestic violence related arrest the defendant must truthfully fill out the compliance form under oath, and if you don't, it's a class A misdemeanor.

Chief Rosado: If an individual gets arrested and we know they have firearms and then we have a second hearing and we have information that that individual did not turn in their weapons, could they be held in contempt of court, or their bond revoked -is that possible? Is that an option?

Judge Doyle: That's a good analysis. The problem is, it would probably be easier to investigate and arrest.

Nancy Tyler: Do we have any information about whether other States have similar challenges and have come up with creative ways to handle it? Maybe this would be a good project to connect with Darren Mitchell who presented at the larger Council meeting to get some ideas.

Marc Pelka: If we count all those interactions, that's a fair amount of work that's done. There's somebody in uniform, somebody in a court, someone in a victim, service capacity asking, have you surrendered your firearms? But there is insufficient accountability all along the way, yet work is being done. If we could, collapse the amount of work that is done by reducing the number of exchanges that occur with someone who was supposed to have turned in his or her firearms by instituting accountability. We are relying on the individual to be honest and comply, but there is no requirement to sign the compliance form and there is no ability to verify fully whether the firearms have been turned in. Miss Tyler raised a really thoughtful point that we had a very strong presentation at the last full Advisory Council meeting, and Darren Mitchell who presented asserted a desire to come and help us, so we may be developing or approaching a more specific ask, and maybe it could be assistance with developing the flow that we'd, you know, documenting the current flow that exists regarding inquiring about compliance and then helping us to design a new flow that would be more effective.

Rep. Tammy Nuccio: I agree, I have been looking in to dedicated dockets. Also, the number of people who are charged with domestic violence, then released on bail bond, promise to appear – they are out and reoffend and how these cases are handled. I think the only way to really, truly be able to track that in an efficient way is with a dedicated domestic violence docket. I think it's something that we should be looking into as well as how often people who are out on bail, are coming back through the system for the same, or even different crimes at that point, and how dangerous that is for victims of domestic violence.

VI. UPDATES AND OTHER BUSINESS

Gail Hardy: we will have an update on the protective orders and victim's addresses at the next meeting.

The Connecticut General Assembly

VII. NEXT MEETING

Next meeting is scheduled for Wednesday, September 18, 2024, hybrid 11:00-12:30 pm.

VIII. ADJOURNMENT

Motion to adjourn Marc Pelka and second Chief Rosado. Gail Hardy called the meeting to an end at 12:39 pm.

DRAFT