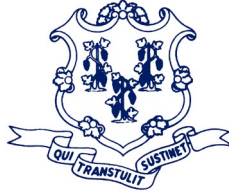


# The Connecticut General Assembly



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

### MEETING MINUTES Wednesday, June 18, 2024

MEMBERS PRESENT: Gail Hardy, Meghan Scanlon, Nancy Turner, Chief Rob Rosado, Phyllis DiCara, Judge Kevin Doyle, Mary Kozicki, Nancy Tyler, CJ Forcier, Andrea O'Connor, Joe Ditunno, Capt. Heather LaRock, Ryan Maynard and Rep. Tammy Nuccio

#### I. CALL TO ORDER

Chairwoman Gail Hardy called the meeting to order at 11:31am. Gail noted that Meghan Scanlon will be standing in as Co-Chair today for GERALYN O'NEIL-WILD who is on vacation.

#### II. WELCOME AND INTRODUCTION OF SUBCOMMITTEE MEMBERS

Welcoming remarks and members introduced themselves.

#### III. MEETING MINUTES APPROVAL

Gail asked for a motion to review and approve the minutes from the last meeting. Phyllis DiCara made the motion; Chief Rosado seconded the motion. All voted in favor, none opposed, and Meghan Scanlon abstained.

A motion was made to approve the May 22<sup>nd</sup> meeting minutes from Merit Lajoie, seconded by Charles Forcier, and unanimously approved.

#### IV. PRELIMINARY DISCUSSION:

**DOMESTIC VIOLENCE: FIREARMS, MONITORING, ENFORCEMENT AND VICTIM SAFETY ARREST WARRANTS:**

Gail began with discussion on the agenda item relating to firearms seizure, enforcement, and compliance. She explained that at the full council meeting this subcommittee had brought forward Darren Mitchell to present on best practices that Connecticut may be able to further research to produce a model regarding firearm seizure and orders of protection that would improve the safety of victims and the accountability on the various systems.

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Gail asked Capt. LaRock to address the following: in those cases where officers dispatch a domestic violence call, and the caller has reported that guns were displayed, or used, or that there are guns in the house. What actions are your officers required to take? Chief Rosado can jump in on this as well.

Capt. Heather LaRock: The scenarios asked about to require different responses, dependent upon what the complaint is. The domestic complaint. Right is a verbal argument, and there happens to be guns in a safe in the house. But there were no threats of violence made, and it turns out that it is not an arrestable type of response. We are not required to really do anything. If we feel as officers that the situation has been mediated to a point where everybody is safe and everybody is expressing, they feel safe. There is not a legal requirement there. However, if we go there and we know that there are guns in the house, it turns out that there was a physical confrontation of some sort. If that person is being placed under arrest, those guns are getting seized now they are getting seized because they are now an arrestee of domestic violence offense, and police can seize the firearm. Capt. LaRock stated there is a compliance form that law enforcement must fill out and a JDR 18 form.

Capt. LaRock then explained that all guns seized go with law enforcement and then get catalogued based on the situation. There is a notice filed with DESSP.

Chief Rob Rosado added that he wanted to highlight the risk protective order, because sometimes there may be a case where there's not an arrestable offense, but it may rise to the level of a risk protective order, because there's an underlying factor such as mental health and if there's a concern for the safety of wellbeing of either parties, we would seize those weapons under a risk protective order.

Gail asked a clarifying question if all guns must be reported to the State Police. Capt. LaRock stated no, for example, if you are housing long guns in your home, you do not necessarily have to report them. There are a lot of different rules that surround firearms. There was also discussion around some guns that are not registered or do not require a permit based on what they are used or not used for.

Lt. Maynard joined late to the meeting at 12:20pm, but he validated Capt. LaRock's comments that the seizure of firearms is more complex than systems may appreciate.

CJ Forcier asked a clarifying question: If the firearm is not used in the incident, there is still a provision that would allow law enforcement to seize the weapon prior to court?

Capt. LaRock answered yes. She explained they are called conditions of release, a stop gap measure for the time until arraignment. Conditions of release do not allow a person to carry or possess firearms during that period, just like a protective order.

Nancy Turner asked about situations where individuals are not co-habiting. Chief Rosado explained that in those cases law enforcement would apply for a search warrant for those locations if they do not receive consent to search.

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Nancy Tyler asked how quickly the offender can get them back if they have been seized under those kinds of conditions.

Capt. Heather LaRock stated that is dependent upon how long the order is standing, because for the duration of that order they cannot possess firearms. So, if the order lasts for just the adjudication of the case. Well, that is the timeframe. But it really is dependent on what a judge decides is appropriate and safe they cannot possess them in any way, while the protective order is in existence.

Meghan Scanlon asked about how the safe storage law can impact some of these calls as we work to ensure the safety of survivors and their children.

Chief Rob Rosado explained that on any gun call if there's a situation where there's a possible firearm present in the home. We would have the officers go in there and inspect to make sure it is stored properly. So, our officers go in there on many different cases, not just domestic violence cases. We have had incidents where kids reported to school that the parents have a gun. We just want to make sure that the parents are safely putting these guns away. So, we always inspect that. We go inside the home, make sure everything is safe, and then we report it. We make a documented report of it.

Meghan Scanlon asked a follow up, and so, if it is not stored safely, is that now an arrestable offense. Chief Rob Rosado explained that it could be. Oftentimes we also give them locking mechanisms. We have a lot of kits here at the police department. We always bring that with us to make sure that if they do not have one available to them, we make sure that they have a lock and mechanism in their home.

Gail Hardy directed the discussion to another topic, stating that two years ago there was an effort across systems to look at compliance efforts and determine better or improved ways we could ensure firearms have been seized. There was discussion by CJ and Joe and a suggestion made to bring the experts from the State Police to the next subcommittee meeting.

Andrea O'Connor and Judge Doyle explained their processes and procedures in the New Haven and Hartford court systems. Although they do not have a formal domestic violence docket, they do coordinate cases involving family violence and guns. Both courts run differently and there was discussion by Andrea and Meghan that advocates and victims' express frustration that each court manages these matters so differently. In both courts the gun docket takes priority, and a case is transferred to the appropriate docket as determined by the judge.

Nancy Turner asked what the follow up if someone fails to surrender their firearms?

Chief Rosado explained that in those circumstances law enforcement will apply for a warrant for their arrest.

Gail and Meghan then led a discussion about how do you truly verify for victims that the guns have been taken and what system is responsible for this? Especially given that there are 169 towns and departments doing 169 different things. There is a

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concern around consistency and uniformity from a victim services perspective. Judge Doyle acknowledged that there are often questions about how the court system and judges should be able to make this easier, however, he mentioned limitations based on the constitution and the importance of due process and keeping in mind that individuals have a right to not incriminate themselves.

Nancy Turner asked in cases that guns are taken. Is there any provision for a victim to ask the responding officers to take guns out of the house for safekeeping? Capt. LaRock explained they must be that person's property, so it is a bit more complicated.

The group then discussed, led by Meghan and Andrea, the need for more consistency in the process from law enforcement response to the courts response

Joe and CJ again suggested that the next step be to engage the State Police to present on their statewide process for firearm seizure.

## V. UPDATES AND OTHER BUSINESS

None

## VI. NEXT MEETING

Next meeting date was set for July 17, 2024, at 11:30am

## VII. ADJOURNMENT

Meeting adjourned at 1:07pm.