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Domestic Violence Criminal Justice Response and Enhancement Advisory Council Arrest Warrants and Orders of Protection Subcommittee

MEETING MINUTES
Wednesday, July 17, 2024

MEMBERS PRESENT: Attorney Phyllis DiCara, Joe DiTunno, CJ Forcier, Eulalia Garcia, Attorney Gail Hardy, Lieutenant Ryan Maynard, Andrea O'Connor, GERALYN O'NEIL-WILD, Marc Pelka, Chief Robert Rosado, Attorney Nancy Tyler

I. CALL TO ORDER

Chairwoman Gail Hardy called the meeting to order at 11:25 am. The meeting start was delayed due to technology connection issue. Due to technological challenges the meeting start was delayed.

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 GERALYN O'NEIL-WILD abstained.

IV. FOLLOW-UP DISCUSSION REGARDING DARREN MITCHELL'S PRESENTATION TO FULL COUNCIL ON ORDERS OF PROTECTIONS AND FIREARMS

V. PRESENTATION: OVERVIEW OF THE ROLE OF FAMILY SERVICES AND THE FAMILY VIOLENCE VICTIM ADVOCATE IN CRIMINAL COURT

Joe DiTunno and CJ Forcier presented the role of Family Services in the criminal court. This included a brief overview of the Family Violence Prevention and Response Act C.G.S. 46b-38. This law established the definition of family violence which includes spouse or former spouse, parents and their children, persons 16 y.o. or older related by blood or marriage, individuals presently residing together or who have resided together, persons who have a child together regardless of whether they are or have been married or have lived together at any time, and persons in or have recently been in a dating relationship. The statute also established mandatory arrest by police where probable cause exists. Connecticut now has a primary aggressor law. The statute requires next day arraignment for the arrested party, established the Family Violence Intervention Unit (FVIU) at each geographical area

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court (GA), authorized judges to issue a protective order and established a pre-trial family violence education program.

Family conducts approximately 23,714 intakes annually which includes a pre-arraignment screen, risk assessment, criminal record check, protective order recommendations and determines pretrial diversion eligibility. At arraignment prior to the defendant presentation to the Court Family Services completes a client intake, conducts criminal history investigation, reviews the police report, coordinates with the Family Violence Victim Advocates to obtain victim input, Family wants to know from the victim what safeguards would they like to stay safe. Family conducts handgun permit and firearm screening and a risk assessment – Domestic Violence Screening Instrument Revised Squared (DVSI-R2). Family is very confident with the validated risk assessment tool, and they want to make sure the level of protective order, intensity of services/intervention meet the risk.

Family makes a recommendation to the Court for a specific level of protection order which may include limited, residential stay away or the most restrictive a full no-contact. Family may make recommendations for further assessments, interim services, can recommend Alert Notification GPS (AN/GPS) as available, or recommend a case be referred on for further prosecution.

While the victim can provide input on the case, the case is the State vs. Defendant and sometimes Family's recommendations or what the Court orders are not what the victim wants.

Family conducts approximately 12,000 assessments a year, one of the most important things Family does. Post arraignment, Family Services conducts a case assessment - an in-depth interview with the defendant, separate interview with the victim, obtains information from collateral sources, considers what the needs of the defendant are, options for intervention including if the arrest is a first-time offense for the defendant, they may be eligible for the Family Violence Intervention Program. The defendant can also be referred for mental health and/or substance abuse assessment and services. Family provides the Court and prosecutor with a detailed report and recommendations.

If a referral for further prosecution is made, the prosecutor takes over monitoring the case and the defendant can also choose to plead guilty. and provide referrals to other agencies including DCF, DSS, and Office of Protection and Advocacy.

By statute cases can be placed in pre-trial supervision for up to two years. Family Services administratively monitors pre-trial court ordered conditions. They collaborate with the Family Violence victim Advocates related to victim input and victim safety, maintain contact with the defendant and collateral sources.

Family Services provides administrative monitoring of diversionary programs and court ordered interventions for approximately 8,161 cases annually. In addition to working with the FVVA, Family also works closely with prosecutors, judges, public defenders and they are responsible for protective order modifications and will make recommendations to the court regarding modifications.

At the end of monitoring, Family will provide a report to the State Attorney's office indicating whether the defendant completed programming or was non-compliant. Family has an 82% satisfactory completion rate for pre-trial supervision which is a high rate, and we are dealing mainly with first- or

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second-time offenders. Defendants who are not compliant Family will engage with the defendant to see how to get the defendant back into services. The goal is to have the defendant complete services because when they complete pre-trial supervision, they are much less likely to be arrested again 18 months after completion.

What Family Services offers and their relationship with the Family Violence Victim Advocates in the local GA court does not exist in any other state.

Gail Hardy began the discussion thanking Joe and CJ for their presentation and reported that there has been a lot of turnover and retirements resulting in a relatively young work force. This coupled with some disappearance of the domestic violence dockets there is a lack of understanding of all that goes on behind the scenes including what goes into the recommendation of a specific level of protection order and recommendations for services. A presentation from Family Services would be helpful not just for new prosecutors but for the division in general.

Chief Rosado commented that the 80% of defendants that successfully complete pre-trial supervision and those that do complete the high percentage that do not reoffend in the 18 months that follow is very impressive and a credit to what Family and the State are doing.

Marc Pelka added it was helpful seeing Family's work including the data capturing outcomes and pointed out that what occurs is not just supervision. It is a package that includes protective orders and conditions set by the Court for programming.

Joe DiTunno explained it's not supervision like a probation officer. It really is monitoring court ordered conditions and the person's compliance with those conditions. Family calls it supervision, but it isn't active supervision going out for field visits. The vast majority of the people that Family deals with are lower risk, they are first- or second-time offenders. The the idea of this is that the court has given them an opportunity to change their behavior and the protective order remains in effect and they are given the opportunity to complete treatment.

Andrea O'Connor presented the role of the Family Violence Victim Advocate (FVVA) in the court, how they work with Family Relations, the State Attorney, and what the advocates can do for a victim during the pendency of a criminal case. FVVAs are in criminal courts across the State. Victim advocates are employed by the local domestic violence agency – a non-profit agency. So, while they are in all the criminal courts, they are not state employees. FVVA involvement will start the day of arraignment for a family violence crime. Family receives a referral in the morning for arraignment and they then refer the case to the FVVA where the FVVA will contact or attempt to contact the victim before the defendant is presented before the court. The FVVA will remain with the case supporting the victim until the case is over. The FVVA role is to ensure the victim is aware of their rights as a victim of crime, to make sure that they are informed about the case status, to safety plan and support the victim throughout the court process as much as they want to be involved and/or notified.

One of the most important things an FVVA can offer a victim is confidential communication. FVVAs can have a conversation with the victim off the record. When the victim speaks with the police, when the victim speaks with Family Relations, none of that is confidential. It can all go into a report that goes to the court, and the information could be shared with the offender. When a victim speaks with

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a FVVA, they can share information about the relationship, their concerns, the history of abuse, what they are most concerned about, and safety plan.

The morning of arraignment while the offender is speaking with Family and Family is doing their assessment, the FVVA is calling the victim. The victim is not required to be in court. Most contact with a victim, especially the initial contact, will be over the phone. While the Court is concerned with the incident that happened and led to the arrest, the FVVAs are also concerned with the bigger picture – what is the relationship like, the history, resources and supports. How long have the parties been in a relationship? Do they have children in common? Do you live together? Are there any safety concerns. FVVAs review the different levels of protective order that are available and let the victim know that an order will be issued when the offender is presented before the judge. FVVAs utilize a supplemental risk indicator or the SRI tool. This is actually part of the DVSI-R2 and it is used ultimately to help safety plan with victims. The tool helps identify if there are any red flags regarding the person's safety and to get a bigger picture of the level of violence that they may be experiencing and if they are at high risk.

Sometimes a victim may want to stay in the relationship, and they just want the abuse to stop. They may want the person to go through treatment, whether it be they're attributing it to alcohol or substance abuse, or there's a mental health issue, or they want domestic violence treatment. After having a conversation with the victim and getting their permission the FVVA will provide their input to Family including the level of protective order that the victim may want, if there is any safety concern, and the score on the SRI. FVVAs make sure the victim understands that while they are the victim in the case the charges are crimes against the State. The State controls the charges, and the Judge controls the outcome. So, while the victim can provide their position and ask for certain things, it is ultimately going to be up to the State and the Judge. A victim's input is a very important factor, but it's not the only factor nor the controlling one.

Victims are provided with referrals to various resources and support including resources for basic needs. FVVAs can also assist and support a victim if they would like to file for a civil restraining order, enter shelter, receive individual counseling for themselves or their children, access case management services, or attend support group.

FVVAs also assist victims with registering for CT SAVIN to receive automated notices related to the criminal case including upcoming court dates, change in bail, notice of probation violation and probation violation decision, defendant failed to appear, and case disposition. Victims are informed about and assisted with applying for Victim Compensation through the Office of Victim Services. This program is a payer of last resort and may assist eligible victims of crime with specific out of pockets expenses related to the crime such as medical care, loss of wages, counseling, crime scene clean-up, and security systems.

FVVAs also play an important role in the Alert Notification/GPS (AN/GPS) program which is being rolled out statewide. Once Family determines a case is eligible, they notify the FVVAs who will then begin the discussion about the program with the victim. FVVAs will discuss the overall purpose of the program and the different options of participating that are available to a victim if they choose to participate. If a victim is interested in participating the FVVA will work with Family on getting the victim set up to receive alerts if the Court orders the AN/GPS program. Family Relations monitors offenders

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placed on the program and the FVVA maintains contact with the victims checking in regularly to see how things are going and if they have any questions or safety concerns.

FVVAs remain involved and support the victim when a case is not supervised by Family and is referred on for further prosecution. In these cases, the FVVAs will continue to provide updates to the victim and input to the State Attorney's office. FVVAs will coordinate meetings between the victim and prosecutor if requested, reach out to victims to get their input on a possible offer from the State, and/or offender application for a program.

Gail Hardy acknowledged the role of the FVVAs and extended an invitation to also have a presentation on the role of the FVVAs for the Division.

Geralyn O'Neil-Wild commented in the FVVA presentation it was mentioned FVVAs utilize the SRI and ask a question around firearms and that FVVAs will let victims know if law enforcement seized firearms at the scene if the FVVA knows, but what if the FVVA does not know? When a protective order is issued and the FVVA does not know if firearms were seized at the scene, can FVVAs find out or are they notified if and when a defendant is compliant and surrenders their firearms?

Andrea O'Connor explained FVVAs tell victims that offenders are required to do this and if they have not, and the victim knows about the firearms the FVVA will tell the victim that they can call the police to check on it but FVVAs understand that they don't have a right to know that information. There are times where the police have given information out to either a FVVA or a victim to let them know if the offender is compliant.

Geralyn O'Neil-Wild added that victims do not have a right to be notified if that defendant is compliant with surrendering firearms, yet we are all asking about the firearms in our individual silos. Law enforcement asks, the FVVA asks, and Family Relations asks and victims are under the impression that someone is following up on those firearms to confirm compliance. At the next subcommittee meeting hopefully, we will be able to have Toby Padegenis from court operations and/or Sergeant Brianna Maurice from the State Police Special Licensing and Firearms Unit join us to share more information about what happens when an order protection is issued and there are firearms involved.

Gail Hardy referred to Darren Mitchel's PowerPoint presentation to the larger Council on firearms and orders of protection which was sent out with today's meeting agenda and included best practices from other states.

VI. OTHER BUSINESS

Marc Pelka reported having participated in a recent meeting of the Sentencing Commission subcommittee that is reviewing bail reform and seeing the presentations today, focusing on the Family Relations Counselors and the Family Violence Victim Advocates that it would be worthwhile for the full Council to probably communicate with the Sentencing Commission to ensure that they have information about the court process including the matters discussed today. The Commission is engaging states that have implemented bail reform and are collecting information, and they will be preparing a report in the coming months that summarized the different types of bail reform that have occurred in other states and there will be a request to the legislature for the next legislative session. It would be helpful to share the information from today - there is significant complexity involved and

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resources that are applied, and assessments performed that do not exist in other states. It would be helpful to have the Sentencing Commission present to the larger Council or just to have communication and deliver what is already occurring in Connecticut would be helpful.

Gail Hardy thanked Marc for his input and agreed communication would be important to have with the Commission and this information would be shared with the Advisory Council co-chairs.

Charles Forcier agreed that although Family Relations and the FVAs have vastly different roles the collaboration between the two is real. It's not just a talking point. The role of the FVVA is a vital component to the overall court process and inherent in the Family Violence Intervention Unit, as is everybody else including the State Attorneys. We currently have a real working, good relationship which ultimately serves the best interest of not only protecting victims, but also holding offenders, and accountability in the processes that we do.

VII. NEXT MEETING

Next meeting date was set for Wednesday, August 21, 2024, at 11:30 am Hybrid

VII. ADJOURNMENT

Meeting adjourned at 1:25 pm