

Legislative History for Connecticut Act

HB 7625	PA 567	1987
House 11223-11228		6p.
Senate 5006-5007, 5129-5130		4p.
Judiciary 1711-1712, 1724-1730, 1736-1739, 1860-1868, 1899-1905, 1918-1920, 1993-1995, 2013-2014, (2055-2056) 2079, (2131), (2364-2367)		43p.
		Total 53p.

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1987

VOL. 30
PART 30
10899-11306

House of Representatives

Thursday, May 28, 1987

taking a roll vote, will all members report to the Chamber.

DEPUTY SPEAKER LAVINE:

Will the members please check the board to see that their votes is properly cast. If so, the machine will be locked and the Clerk will take a tally. Clerk will announce the tally.

CLERK:

House Bill 7083, as amended by House "A".

Total Number Voting	142
Necessary for Passage	72
Those Voting Yea	130
Those Voting Nay	12
Those absent and not Voting	9

DEPUTY SPEAKER LAVINE:

The Bill is passed.

CLERK:

Please turn to page 25, Calendar 667, substitute for House Bill. Pardon me, Calendar 677, substitute for House Bill 7625. AN ACT CONCERNING DOMESTIC VIOLENCE. Favorable report of Committee on APPROPRIATIONS.

DEPUTY SPEAKER LAVINE:

Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I move acceptance of the Joint Committee's favorable report, and passage of the Bill.

DEPUTY SPEAKER LAVINE:

Motion is on acceptance and passage. Will you remark.

REP. TULISANO: (29th)

Yes, Mr. Speaker, Clerk has an Amendment LCO 7290.

DEPUTY SPEAKER LAVINE:

The Clerk has LCO 7290 designated House Amendment "A", will the Clerk please call.

CLERK:

LCO 7290 designated House Amendment "A" offered by Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, permission to summarize.

DEPUTY SPEAKER LAVINE:

Gentleman seeking permission to summarize.

REP. TULISANO: (29th)

Mr. Speaker, basically this Amendment rewrites

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Section 2 of the Bill determining who family or household members are for the purposes of the Act, It indicates..it sort of separates them A, B, C, and D so there is no confusion, and it also indicates that it might include persons sixteen years of age or older for those other than siblings or people related by blood or marriage. So it still keeps the 16 for people other than relatives.

DEPUTY SPEAKER LAVINE:

What is your pleasure, Sir.

REP. TULISANO: (29th)

I move adoption.

DEPUTY SPEAKER LAVINE:

Motion is on adoption, will you remark. Will you remark, if not, I will try your minds. All in favor of the Amendment will signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LAVINE:

Those oppose, nay. The Amendment is adopted and ruled technical.

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House Amendment Schedule "A"

Delete line 16 in its entirety and insert the following in lieu thereof: "(A) spouses, former spouses: (,) (B) parents AND THEIR CHILDREN: (,) (C) persons"

In line 18, after "marriage" insert "i", bracket the word "and" and insert "(D)" in lieu thereof

In line 18, after "persons" insert the following: "SIXTEEN YEARS OF AGE OR OLDER OTHER THAN THOSE PERSONS IN SUBPARAGRAPH (C)"

IN LINE 20, AFTER THE WORD "PAST" INSERT ":" AND BRACKET THE COMA

IN LINE 21, BEFORE "PERSONS: INSERT "(E)"

DEPUTY SPEAKER LAVINE:

Will you remark further.

REP. TULISANO: (29TH)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative Tulisano.

REP. TULISANO:

Mr. Speaker, the Bill before us is an attempt to make some corrections in the Domestic Violence Bill we passed last year to make sure it's clear that verbal abuse is not involved in the issue—that there has to be a clear and present danger, if you will, of physical violence before police can arrest under this Act. That it does not

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apply to family members who are disciplining their minor children which was a problem, or stated to be a problem unless obviously they constitute abuse and then other laws might come into effect as well as this law. It does exclude siblings up to the age of eighteen from application of the law.

It reduces to \$50 from \$250 the cost of going into the program, -many people-the program of rehabilitation. Many people found that it was \$250-more people opted to take a penalty than go to rehabilitation under the provisions of this Act, and I think that rehabilitation provisions in the Act were thought to be very important, so this encourages more individuals to get involved in that. It also straightens out some of the areas of when an individual can be released from the police department. I move for passage of the Bill.

DEPUTY SPEAKER LAVINE:

Will you remark further, will you remark further, if not, staff and guests will come to the Well of the House and the machine will be opened.

CLERK:

The House of Representatives is now voting by roll

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call, members please return to the Chamber. The House is currently taking a roll call vote, members to the Chamber please.

DEPUTY SPEAKER LAVINE:

Will members please check the board to see that their vote is properly cast. If so the machine will be locked and the Clerk will take a tally. Clerk will announce the tally.

CLERK:

House Bill 7625 as amended by House "A"

Total Number Voting	142
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Necessary for Passage	72
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Those Voting Yea	142
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Those Voting Nay	0
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Those absent and not Voting	9
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DEPUTY SPEAKER LAVINE:

The Bill is passed.

CLERK:

Continuing on page 25, Calendar 618, substitute for Houses Bill 5056, AN ACT CONCERNING DRUG TESTING IN THE WORK PLACE, favorable report on Committee on LABOR AND PUBLIC EMPLOYEES.

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1987

VOL. 30

PART 14

4816-5199

MONDAY
JUNE 1, 1987

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THE CLERK:

Calendar No. 852, File 823. Substitute for House
Bill 7625. AN ACT CONCERNING DOMESTIC VIOLENCE. As
amended by House Amendment Schedule "A". Favorable
Report of the Committee on Appropriations.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Yes, Mr. President, I would move the Joint Committee's
Favorable Report and adoption of the bill in accordance
with the action of the House.

THE CHAIR:

Will you remark? Is there an amendment?

Clerk, please call the amendment.

THE CLERK:

LCO 8453, designated Senate Amendment Schedule -
I'm sorry. There are no amendments, Mr. President.

THE CHAIR:

No amendments? You may proceed, Senator Avallone,
to explain the bill.

SENATOR AVALLONE:

Thank you, Mr. President. The last several years

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we have passed very significant statutes dealing with the crime of family violence, dealing with domestic violence. As in all pieces of legislation there were a number of glitches. They dealt with actions that were perceived by law enforcement authorities and agencies to indicate that they came within the confines of this bill. Such as, violence between minors in the same family, various age groups, both living within the family and without.

This bill attempts to clarify all of those glitches and make this a much more workable bill and not further expose parents to ordinary disciplinary measures within the family.

THE CHAIR:

Further remarks?

SENATOR AVALLONE:

Without any objection, I would move to Consent,
Mr. President.

THE CHAIR:

Without objection, so ordered.

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SENATOR HARPER:

Thank you, Mr. President. The Appropriations Committee will meet tomorrow before the beginning of the first session, whichever chamber starts first. More than likely the House, to take up a Collective Bargaining Agreement.

THE CHAIR:

Will the clerk please now call the items placed on the consent calendar. And announcement for immediate roll call.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Consent Calendar No. 1, Page 1, Calendar No. 857, Calendar No. 772, Page 2, Calendar No. 835, Page 3, Calendar No. 844, Calendar No. 848, Page 4, Calendar No. 850, Calendar No. 852, Calendar No. 853, Calendar No. 855, Page 5, Calendar No. 856, Calendar No. 858, Calendar No. 859, Page 6, Calendar 860, Calendar No. 861, Calendar No. 862, Page 7, Calendar No. 866, Calendar No. 867, Calendar No. 864, Calendar No. 504, Page 8, Calendar No. 506, Calendar No. 511, Calendar No. 557,

Handwritten notes:
HB 105, HB 7610, HB 7609, HB 5686, HB 7648, HB 6417, HB 7125, HB 7083, HB 7440, HB 6957, HB 7128, HB 7318, HB 7514, HB 7596, HB 5068, HB 5631, HB 6652, HB 7374, SB 437, SB 1209, SB 97, HB 6617

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Page 9, Calendar SB 889 595 and Calendar No. HB 7542 817.

THE CHAIR:

Are there any corrections, additions, deletions?
If not, the machine is open. We're voting on the first
consent calendar. Senator Freedman.

SENATOR FREEDMAN:

The Calendar on Page 9 again. I think some numbers
were mentioned that we didn't have.

THE CLERK:

Page 9, Calendar No. 595, and Calendar No. 817.

SENATOR FREEDMAN:

Page 7.

THE CLERK:

867, 866, 504, and 864.

THE CHAIR:

I think Calendar No. HB 7374 864 is on Page 6. It's the
right, the correct number. It was the matter that was
disputed before. Further corrections? If there be none,
the machine is open. Please cast your vote.

The machine is closed. Clerk, please tally the vote.

Result of the vote on the Consent Calendar:

33 Yea
0 Nay

The Consent Calendar is adopted. Senator O'Leary.

JOINT
STANDING
COMMITTEE
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JUDICIARY

April 4, 1987

MS. MANDELL: (continued)

that House Bill 7523 that you considered last week would be the appropriate bill to address this issue.

REP. WOLLENBERG: Faith, can you tell us how many uh probation officers you have. You gave us the 42,000.

MS. MANDELL: Judge Ment will know.

REP. WOLLENBERG: Just about how many, I think that's important.

JUDGE MENT: Well, we have approximately 150-160 today, however, hopefully after this session is completed we will have an additional 75.

REP. WOLLENBERG: I see, but 42,000 seems to me to be a lot of people to be under surveillance by these people.

JUDGE MENT: It is.

MS. MANDELL: The next bill would be House Bill 7625, an Act Concerning Domestic Violence. The Judicial Department supports several of the changes proposed in this bill. It believes that the change in Section 2 deleting reference to the Bail Commissioner setting conditions of release is necessary to clarify the fact that police can fix conditions of release in family violence cases.

The applicable statutory provisions would be 5463C, and 5463D would come into play. Secondly, we support the change in Section 4 which requires the family division to provide a registry of all restraining orders that broaden their protective orders. We believe that this is necessary to conform to the other provisions of the act.

I would like to make one observation with regards to this bill, and that has to do with the change proposed requiring that family relations offices make a report within 48 hours of the referral of a family violence case rather than the first court date appearance.

MS. MANDELL: (continued)

The Department is unsure why this change is being proposed because under the other sections 51G and person charged with a family violence case is still to be promptly presented before the Superior Court on the next court date.

SEN. UPSON: You say you want the 48 hours?

MS. MANDELL: The bill as drafted proposed is now extending the time within which a family relations officer is to submit this investigative report. Now, current law is you submit it at the next court date. This bill is extending it to 48 hours. We're saying we don't understand why you're extending the 48 hours because the person still has to be presented to the court the next day.

SEN. UPSON: Do we have the personnel?

MS. MANDELL: Well, we have ...

JUDGE MENT: One of the reasons that we think that the 48 hours was proposed was to ease the burden on the personnel. To do so however, you would have to change the other section of the bill which would allow the individual to be brought to court within the same period of time, that is 48 hours, changing one and leaving the other alone doesn't help, it just confuses the situation.

MS. MANDELL: And there are just two last comments I'd like to make, and both of them are general comments. One is with regard to several bills you are considering such as House Bill 7588, I'm just going to give you numbers, 7629 and 7631. All these bills either require the Judicial Department to create new forms or revise forms. We would ask that where possible the effective date of any of these forms be January 1, 1988. This will give the Judicial Department ample time to implement the provisions of the bills, not only for drafting, but for printing, distributing

MR. KELLY: (continued)

another reason why the division supports that proposal.

Next would be House Bill 7616, an Act Concerning Establishment of the Office of Community Service. If memory serves me correctly, this was one of the recommendations of the Prison and Jail Overcrowding Commission of which I am a member and I'm fully in support of that proposal.

Next would be House Bill 7624, an Act Concerning Sentencing. The Division does have a problem with this particular proposal. Number one it makes no provision concerning minimum mandatory sections, and so theoretically a person who received one of those sentences under this proposal could be placed in the intensive probation program, and I have to ask myself, is that really the legislative intent?

And secondly this would take away many of the cases now heard by the Senate Review Division. As you know currently if there is a sentence anywhere in the area of some 5 to 15 years that is heard by 3 judges of the Senate's Review Division, this would now theoretically authorize a single judge long after the imposition of a sentence to be the sole person to determine whether or not those lengthy sentences should be reduced and I frankly think the present system that we have is preferable.

The next would be House Bill 7625, an Act Concerning Domestic Violence. I am generally in support of the amendments, but I would note as follows. The bill as proposed would delete all persons charged with either breach of peace or disorderly conduct from coverage of the domestic violence bill. It's my understand that perhaps as many as in some of our areas 50% of our domestic violence cases result from one of these two crimes, and the feedback that I've gotten from prosecutors, defense council, family relations people etc. is that many of these minor family situations are exactly those that need the early intervention before they escalate into serious crimes of violent serious felonies. So, I'm not sure

MR. KELLY: (continued)

that the absolute prohibition of these, if the statistics are correct and would mean 50% of the people now covered would not be covered, would really be in the best interest of what the legislature did last year in terms of domestic violence.

REP. TULISANO: How many of these deal with brothers and sisters having a fight though?

MR. KELLY: There are a few, and I think...

REP. TULISANO: Well, how do we stop that nonsense?

MR. KELLY: I think that it's being stopped by education of the police, if you hear me out on this, you've got to keep in mind that for years it was the philosophy of all people in the judicial system, law enforcement and the legislature, that police officers were supposed to be in effect glorified social workers, intervene and try to resolve.

Last year there was a dramatic change and I think for the good. Arrest, treat these cases like all other crimes, get them into the court system, some for prosecution, some for deferrment. And I think it's a question of police training, and that is currently ongoing where there are going to be these isolated cases that fall through the cracks. But I think if you look at the overall percentage of cases, they have been truly domestic violence situations where there was the necessary intervention by the police and violence was cut off at the pass.

There have been isolated cases brought to my attention, for example, a couple of persons who were retarded who got into an altercation, the police officer thought that they should be fit within the confines of this bill, a couple of brother and sister cases, but I think the overwhelming percentage of cases have been legitimate ones under this act as the legislature intended.

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JUDICIARY

April 4, 1987

REP. TULISANO: Representative Wollenberg.

REP. WOLLENBERG: I'm hearing that we may have a backlash here in this law because uh, it's taking it's toll on married couples, where the police officer goes in and says I have no control over this, now come on, one of you out of the house tonight, and you're arrested and these things happen automatically now. I don't think, they still have to be concerned with probable cause, don't they? And I'm wondering if they are, maybe the education you're talking about will take care of that, but I think the theory that at least I'm hearing, that some police departments are going under is, you do this once and you don't have any more calls to that house.

You may still have some abuse there, but they're not running to the phone to call for assistance because they know the drastic thing that's going to happen, and I have concern about that. That maybe they're not making the call now after they're treated like this. You know, they take the father out of the house, maybe there are meager earnings coming in, he's in court the next day he goes without a day's pay, he has to go sleep somewhere spend \$30 for a motel that night. You know he's not on the scene for 3 or 4 days it could be, and this really hurts some of these family situations.

MR. KELLY: I can see where that would occur in some cases, but once again, the legislative intent I think was to stop violence in the home. Once again, I think it is a question of training, just to give you an aside, I recently committed to writing both to the state police in reply to an inquiry and to MPTC for statewide distribution in answers to questions. One of them was the belief by some police officers they had no discretion at the scene of one of these except to make a custodial arrest. I pointed out in that letter that they still have the discretion to issue a summons.

They initially have to make a probably cause determination and it's not automatic you go in and arrest everyone just because a complaint has come out and number two they still have the discretion to make no arrest if

MR. KELLY: (continued)

there's no probable cause, or to issue a summons in lieu of making a custodial arrest. Once again, I really think it's a question of education.

REP. TULISANO: You really think they'd care? Do you really think,.. I guess one of my problems is I see a few police departments, the usual one I have trouble with,..

MR. KELLY: Not Rocky Hill?

REP. TULISANO: Nah, which I think doesn't like the idea in the first instance and they're hell bent on destroying the law. I mean I have a feeling that's what's happening in Bridgeport and a few other places.

MR. KELLY: Many things happen in Bridgeport.

REP. TULISANO: That's a lot of people!

MR. KELLY: Only kidding.

REP. TULISANO: I mean the law says you just don't make an arrest on a complaint.

MR. KELLY: You need probable cause, I don't dispute that..

REP. TULISANO: I know it, but despite, I don't know, I wouldn't say that they're not telling you the truth, I would say that they'd tell you what you want to hear for the most part and we're hearing it from another angle. If I don't get two phone calls of phony arrests every day, and I tell you in my house every day, when you describe the case and you go into that, that's exactly what's happening, I don't see the probable cause, but then they go to court and they prompt your people because they think they're supposed to, this is the in thing this year, they don't get rid of the cases like they should and they're sending two 16 year olds to the family violence treatment center or they think that's where they should do. You only

REP. TULISANO: (continued)

have limited resources anyway. I'm getting down to the breach of peace thing. If they have arguments between kids or even verbal arguments between adults and they consider that breach of the peace and they think that's where they should be going, we're really straining our resources to the extent that when we really need them, it's not to say that everyone shouldn't get social work, but the fact of the matter is some people may have to give it up to give those who need it the most real help. Because we don't have good services rendered.

MR. KELLY: Let me answer it this way. I, I think number one you've got to realize in Connecticut we have over 100 organized police departments and I'm sure you're going to find various levels of competence and various levels of enforcement. We have attempted uniformity in this area. I was on a panel of people that drafted up what we considered the guidelines and protocols for police officers, and frankly the law went in rather quickly, all of the training that should have occurred was not able to occur because of time limitations. My suggestion would be this, that let a little more, let the police have a little more experience with the law in this particular area. If the problem continues and you do find that police are not abiding by the legislative intent, then I would be gladly back here and agree with you, it's not working and agree that these should be (inaudible). But I think it's a little early at this point to do it now.

REP. WOLLENBERG: Well, it may be, but they're airing on the side of caution and saying if there's a question we're going to take him in.

MR. KELLY: Well, I uh..

REP. WOLLENBERG: The same in the courts Jack, where uh the bail commissioners are making these decisions, they're airing on the side of caution saying well maybe we ought to do it.

MR. KELLY: Well, in the defense of the police however, you've got to realize also they're also looking over their shoulders if they don't act they're going to get sued. They're in a no win situation.

REP. WOLLENBERG: Well, I can understand that, they make a good shot as well,

: You tell everybody the reason you arrest them is because of me.

MR. KELLY: I hadn't heard them take your name.

REP. TULISANO: Everyday they call me. Representative Namia.

MR. KELLY: They're not calling me thank goodness.

REP. TULISANO: We'll tell them to call you from now on. Representative Namia.

REP. NAMIA: Jack, apart from the police department's cited, have you or has anyone issued that protocol or guideline to all municipal police departments on this?

MR. KELLY: Yes.

REP. NAMIA: On a regular basis?

MR. KELLY: What we did, there was a subcommittee set up of local and state police and I was the prosecutorial representative and we have a booklet which I believe I may have left with the committee on a prior occasion

JOHN KELLY: (continued)

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which has been distributed by MPTC to every police department in the state which outlined the law, its intent and the discretion that police officers have. That has been supplemented by training of officers in each of these departments. And I'm not prepared to tell you that every officer in every department has yet undergone that training, but that is the intent and in fact you've had that specifically in the law that that must occur.

REP. NANIA: So that as to whether something happened with the book after it arrived at the local police department you don't have any personal knowledge?

JOHN KELLY: No, because as I say we have 100 different departments. It would be impossible to keep that kind of control or statistic. I just don't have that information.

REP. TULISANO: I've seen the stuff. It does say what you're supposed to do. I acknowledge that.

JOHN KELLY: As I say, I've written at least 2 letters of clarification to the state and local police in some of these areas in an attempt to have uniformity. So I would like to think if you could give this situation again the test of time, perhaps, until the next session, if the problems continue then, as I said before, I would be back here in agreement with you to delete these if the legislative intent is not being carried forward.

REP. TULISANO: Is July 1st sufficient? Do you need a little more lead time? This is when we're going to really work with. July 1st can be done, do you think?

JOHN KELLY: I think that's a realistic time-frame. The second thing on this Bill I would point out to you. And again I've attempted to have this clarified by letter would be the deletion of current Section E that deals with the bail commissioner. Some police officers were under the impression that in every

JOHN KELLY: (continued)

of children so I frankly prefer to read the Bill. As I don't have it in front of me before I express any official position on it.

REP. LUBY: Fine. Just on the family violence issue, I HB 7625 had some judges talk to me about a particular case where there was, I think a 17-year old girl who was in a very religious, very conservative family, and she went out on date with the permission of her folks. However, the folks, let's say, said you have to be home by 10. She didn't come home until 3. The father was very upset, yelled at her and also slapped her. Apparently in this situation there was an arrest, and a court appearance. And from your point of view, given just, I know every case is different, but just given those skeletal facts, you know, there is an area which is family-related that we don't want to interfere with. I'm not sure what this man did is something I would do to my daughter, but I'm also not sure whether the government should get involved. Do you feel as though, under the current law, the police have the discretion not to act, the last step is that the girl, the daughter called the police. She was mad at her father and she said, I'll fix you and she called. Is that something that a policeman could reasonably exercise his discretion under current law and say, I'm not going to touch it?

JOHN KELLY: Well, as I understand the law, if you look at Section 146B38A wherein family violence is defined, this would constitute an assault. So we start out with that basic preposition, that's the legislative intent. Number 2, I don't think the police officer, in that situation has any choice other than to make an arrest. But let me tell you what I mean by make an arrest. He doesn't have to make a full custody arrest. He could take the matter under investigation or he could issue a summons for a later court appearance. I think the problem that may concern the legislature, and frankly it concerned me enough to put two things in writing as I mentioned before, was the belief of some police officers, and I'd like to think it was a minority of such, that in each such case there had to be a full custody arrest. That's not the legislative intent. So I think, in that case, had I been that officer

JOHN KELLY: (continued)

investigating where I had a complaintant, I had a complaintant who claimed to be the victim who exhibited the sign of the assault, the slap in the face, I would have issued a summons. Particularly, if I had no concern of repeat violence, because that's again a concern you the legislature has mandated to police officers. Separate the parties if there's a concern for repeat violence. If he was satisfied this was an isolated incident, no repeat violence, issue the summons, and go away. That would be it.

REP. TULISANO: What if the kid's age if 12-years old.

JOHN KELLY: I'm sorry?

REP. TULISANO: The girl's 12, it's an assault.

REP. NANIA: And when I spank my 6-year old, I'm assaulting him?

REP. TULISANO: No, I didn't say that.

REP. NANIA: Well, where's the line, Jack.

JOHN KELLY: The line is, that the 6-year old, theoretically, will not call the police!

REP. NANIA: What concerns me here is that you are educating us as to what you say the law is and I don't think the law is as you've portrayed it.

JOHN KELLY: Well, I'm only going from the definitions that the legislature itself has enacted as you have defined family violence, you have defined family or household members, and you have defined those crimes that fit into the general picture.

REP. TULISANO: We have to accept disciplinary measures as appropriate to the general family circumstances.

REP. WOLLENBERG: In the real world, that guy on the 11-to-7 in that case is going to take the father out of the house. In most cases.

REP. TULISANO: Then the law's wrong. We have to define it better.

JOHN KELLY: But we're all assuming that each incident of family discipline falls into a family violence crime situation. I don't agree.

REP. TULISANO: If us lawyers can't agree right now and we deal with this every day, how do you expect a cop to make a legitimate decision without us giving him better definitions. And so you should be here giving those better definitions because we don't want to be involved. I mean, I may not agree that physical use is good, but there are a whole class of individuals who thinks it's appropriate in this society. And you have a right to discipline your kids.

JOHN KELLY: I happen to be in agreement with you as long as it's not excessive. What. . .

REP. TULISANO: I agree with that, too. If they're coming out with bloody noses then it's abuse. Depends on the situation.

JOHN KELLY: Yes, and I think there is a way to handle the matter other than the total exclusion of all breach of peace and disorderly conduct cases.

REP. TULISANO: We'll entertain that for Monday morning. You'll give us a letter. Thank you. Representative Prague.

REP. PRAGUE: Jack, I just want to follow up briefly on something that Representative Tulisano mentioned and that's the lack of counseling for women. I didn't hear your answer clearly. Is the system proposing to introduce the same kind of counseling services that are available for men? For women?

JOHN KELLY: That is my understanding of what they are currently working on with the various center that have provided services in the past and with expanded staff and funding will provide better and more expansive services in the future. It's my understanding we're trying to put on more victim advocates, we're trying to expand the number of family relations officers and

JOHN KELLY: (continued)

the services. Again (inaudible) quickly there were some gaps as my understanding a good faith effort is being made by all to cover all those gaps.

REP. TULISANO: Representative Wollenberg has a last question.

REP. WOLLENBERG: Yes, you just brought up victim's advocates. They're in the State's Attorney's Office now?

JACK KELLY: They assist the State's Attorney's but they are appointed by the victims advocate as compensation for it.

REP. TULISANO: Representative Ward has the last, last question.

REP. WARD: Mr. Kelly, if you want to get back to me with and answer, fine. On 1183, which is sexual assault in the second degree, it creates one, a defense that if you're within four years of the age of the victim that's a complete defense, and second, an affirmative defense that you thought the child was under, you reasonably thought the child was under 16, provided the child isn't under 12 years of age.

JACK KELLY: Again, that one apparently also has escaped me.

REP. WARD: I wondered of you would look at that Bill at some point and get back to us? Shortly as to the State's Attorney's position?

JACK KELLY: I'd be glad to do that.

REP. TULISANO: If there are no other questions, thank you. Senator Larson.

SEN. LARSON: I'm here first of all to complement the two chairmen of the Committee for tackling the lengthy amount of Bills and staggering agenda that you have before the Judiciary Committee. I'm here to credit them and the member of the Committee for their courage, energy, in undertaking this momentous task. And I can tell you in talking to other members in the audience and passing people through the hallway, how grateful they are for

FRANCIS DOOLEY: (continued)

that including children of a deceased victim, we find that there is a problem with respect to the partially dependent. And with the recent situation where spousal murder and we wanted to help these children and were unable to help them because they were, the victim was there mother who was not supporting in any way the children. And if our mandate was that they must be dependent upon the victim we are not able to help. So by changing this to add the word for the child of the deceased victim, that would give us the ability to help that child.

Also we are adding a definition of crime. In that the present statute does not include the definition.

Going on beyond 5068, House Bill 6387, an Act Concerning the Time Limitation Complaints Involving Sexual Victimization of Children. I'm simply going to state that we strongly support this in the interest of victims. There has been comments made in regard to the bill all ready and we endorse those comments.

House Bill 6388, An Act Concerning Testimony of Victims of Child Abuse. Again in the interest of victims we strongly support that bill.

House Bill 7565, An Act Eliminating the Constancy of Accusation Rule. We stongly oppose this bill because it hinders prosecution on sexual assault cases.

House Bill 7586, we give our support to that bill, and has been previously commented on.

House Bill 7625, An Act Concerning Domestic Violence This is 7625, the Board strongly favors the passage of this legislation in overall.

The last section of this bill proposes to transfer the domestic violence advocates to the Criminal Injuries Compensation Board due to transfer of funds from the Judicial Department to the CICB. Last year

FRANCIS DOOLEY: (continued)

the Criminal Injuries Compensation Board's Victim Advocate program began operating in 6 judicial districts throughout the state. Domestic violence victim advocates also began working in the courts last year, funded by the Judicial Department. We do not question the need for the victim advocates trained to respond the unique needs of domestic violent victims. However, the board believes that the transfer of the domestic victims, excuse me, the domestic violence victim advocates, the Criminal Injuries Compensation Board will accomplish several important goals.

First, it elliviate confusion among victims, court personnel, law enforcement officials, and service providers regarding which victim advocate has responsibility to respond to which case,

Secondly, it facilitates the coordination of services for victims of domestic violence and other crime victims and their families through centralized supervision administration.

Third, by avoiding the duplication of administrative tasks and costs associated with operating and managing a victim advocate program, training a more cost efficient program overall.

Fourth, promoting a concept of a comprehensive statewide victim service delivery system regardless of the source of the crime as opposed to the existence of separate but parrallel service systems depending upon the type of crime committed against the victim.

And Fifth, facilitating a joint utilization of resources ranging from contractional agencies to inform informational materials from staffing patterns to support services and from the agency forms to the individual skills and expertise.

The State of Connecticut must be cautious to avoid a perception that one category of crime victims is more deserving of service and assistance than other categories. Transfer of domestic violence victim

FRANCIS DOOLEY: (continued)

advocates proposed in House Bill 7625, greatly promote the awareness that the State is committed to responding to the need for all crime victims and their family, by placing all state operated services to victims of crime within one state entity.

The Board would willingly accept the responsibility entailed in administrating and supervising the domestic violence victim advocates. As we understand the pending legislation, this transfer would leave the family violence units intact with the courts and would only transfer the victim advocate program which is delineated in section 3-c and lines 126, 127 of Bill 7625. Within the perimeters of the current domestic violence counseling practices the Board would provide a range for services to the parties involved. We would also assume the supervisory and administrative function from the program. We would also make the assumption that the transferred funds would be adequate for the board to continue the level of services currently being provided through the Judicial Department and that the program would need to be self supporting according to appropriated money.

On behalf of the members of the Criminal Injuries Compensation Board. I appreciate this opportunity to come before you and express our views on this legislation. Support of legislation is vital to any successful statewide effort to respond to needs of victims and their families. We thank you very much and urge you to give us support for this legislation.

SEN. AVALLONE: Thank you, any questions.

REP. LUBY: I do just briefly. What I'm not really familiar with the details of this, but I am interest in the transfer of family violence council to the umbrella of the board, the compensation board. Maybe I have even misstated it all ready. I had a constituent call me closely connected with a local shelter. Very concerned that by transferring family violence counselors that work in the courts to a larger, to the board, one was inconsistent with

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REP. LUBY: (continued)

their view that the Board was a financial compensation program. It wasn't related to the kind of counseling role of family violence. And secondly it tended to dilute the affectiveness of these family violence counselors.

FRANCIS DOOLEY: Last year we were able to place in a program for victims advocates in the Judicial districts. And we went through a training program with these people and they are highly trained people regard to victims and they are in the different judicial districts now. So it really isn't into the compensation aspect of our present work. Our present work is divided now into two areas. One is compensation, and the other is assistance to victims victim advocatcy. I think it has become our major area of work. We really believe that the assistance that you give a victim is not necessarily in dollars and cents. That may be a necessary thing that occurs but I think the need the victim has is much greater and that we are best able to serve them at the present time through this advocatcy program which we have started. We don't feel that there is any conflict between the advocatcy programs and the courts except that in the present situation you may very well have a domestic violence victim advocate sitting next to a victim advocate in the same court setting and we feel that these can still be very well served by the same person trained under the same high standards and giving the same assistance.

REP. LUBY : My understanding is that a lot of these family violence advocates are getting, are receiving a tremendous case load.

FRANCIS DOOLEY: We don't have those figures in front of us, but we would not be surprised at all. We are learning about case loads as we get into our victim advocate work as it presently stands. We will be back asking for more victim advocates as our program expands.

REP. LUBY: My concern is that right now there may be more than enough work to occupy the full time of a family violence counselor, and if that is the case.

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REP. LUBY: (continued)

Then what problem are we trying to solve. In other words those people full time all ready address to that problem are working and have more than enough to keep them busy. So we don't need to develop in those people lets say the additional burden or the additional skills related to all other crimes.

FRANCIS DOOLEY: I think that there is going to be an expansion of that program, of the doemstic victim advocate as well as our victim advocates. And I think there has to be an expansion if the demand is that great based on the volume that we are seeing all ready. And I think that the duplication is parrallel victim advocatcy is an administrative waste that we may be able to avoid by merging the programs.

REP. LUBY: Currently the family violence counselors that are in the court, who supervises them, and what is their administrative umbrella?

FRANCIS DOOLEY: They are in Judicial Department and I can't give you that exact. To the Family Relations.

REP. LUBY: That would seem to be, given the fact that these people constantly refer people to community service, other community service in the community outside of the court. That seems to be that if it is currently related to the family violence advocates or counselors and the family relations division. That seems to me to be kind of sensible, sort of topical connection. I am not sure why we would want to break that up.

FRANCIS DOOLEY: Well I don't think it would necessarily break it up. The work that our advocates do is a referral work that they do. We are not in the counseling business. We offer no counseling service, victim advocates. Nor do the domestic victim advocates. We want to stay away from that. That is not an area to be in. If both type victim advocates are referral in nature. I think it is simply a expansion of the scope of what they are referring to and what they are referring also it has to be some

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FRANCIS DOOLEY: (continued)

distribution of case load also. Right now there, we are not really nose to nose as we could be in as much we don't have enough victim advocates to get down to the GA. We are in the JD's right now with our victim advocates. But the program to be affective as far as victim assistance goes, can not be limited only to the judicial districts. It has to go into the geographical areas. And it is just a matter of time before we get there.

REP. LUBY: But isn't it fair to say that if we were to do what you are asking. What you would end up doing is you chip the family violence advocates under your umbrella, you would spread them over more courts and in reality what would be happening is those people who currently are working full time on family violence would be working part time on family violence. Assuming no additional increase in anybody's personnel.

FRANCIS DOOLEY: I would think that that would be a completely self defeating approach to trying to merger. And we certainly would not take that approach. We would leave those people doing that over burden job that they are doing until we could reach them, and then on all the services.

SEN. AVALLONE: Would you identify yourself please for the record.

JOHN FORD: My name is John Ford, I am the administrator on the Board. To respond more completely to what you are raising is the concern that we have in a part B family violence dispute which can remain in part B court. As compared to a very serious family violence dispute which gets into part B and then is transferred to part A. The experience that we are developing and the experience level of our advocates that we have now, deal in that Part A court very affectively. And we would see the probability and the present arrangement of transferring cases from the domestic violence advocate to the part A of victim advocate, which doesn't seem to make sense to us. We think we can provide a greater service to the victim, by way of following that victim, if

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JOHN FORD: (continued)

it goes from Part A, to part B to part A through one advocacy. Not sharing advocatcies. But providing a consistant total service to the victim. That is one of the, you know, concepts that we have in terms of this approach.

SEN. AVALLONE: Representative Wollenberg.

REP. WOLLENBERG: John, how many victims advocates do you have.

JOHN FORD: At the present we have six advocates.

REP. WOLLENBERG: Remember when that went through we were kind of undecided whose jurisdiction they should be under and they are under your jurisdiction?

JOHN FORD: They are under our jurisdiction, they work out of the...

REP. WOLLENBERG: Where do they sit?

JOHN FORD: Pardon.

REP. WOLLENBERG: Where do they house themselves?

JOHN FORD: They are in Stamford, Bridgeport, Waterbury, New Haven, New London, and Hartford.

REP. WOLLENBERG: In one office?

JOHN FORD: In the States' Attorneys Office. They are in that office. That is where they are housed.

REP. WOLLENBERG: What other connection do they have with the States' Attorney?

FRANCIS DOOLEY: The connection would be first of all in the selection of the victims advocate and it was agreed and worked out very well that each States' Attorney would participate in that so there would be someone that they could feel comfortable with in as much as they work closely together. So in that respect they certainly had a selection process in

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FRANCIS DOOLEY: (continued)

who is going to be working in there and take them to court.

REP. WOLLENBERG: I had a problem with this when we started it, because I was afraid if we put the victims advocates into the prosecutor offices then they would be a resource for the prosecutors and their prosecutors function. And they would not be serving the victims totally. And I fought that on the floor, John you probably remember, of having them in the prosecutors office. Because I did feel as though the prosecutors, might and if I were a prosecutor I might use them too.

FRANCIS DOOLEY: I was concerned about that same aspect. And I had the meeting with the various States' Attorneys as to how the program was to be set up. Felt that in each case, and we do deal with them individually unfortunately, and each case I found that they were dedicated to the position that they were not additional staff for the States' Attorney and the way we are able to do something in terms of monitoring in as much as we train our victim advocate and have a very close liason with each of them. We are watching this on a very close basis. Have been comments made which we are following up which have lead to the possibility that there has been some abuse of the States' Attorneys in these particular persons, but in each case we are looking at them.

REP. WOLLENBERG: And I don't necessarily blame the States' Attorney for doing this. But I do think it defeats the purpose of representing the victim if we are going to somehow come in through the back door and get the victim on the stand as the witness. When that isn't the victims, that isn't the purpose of the victim advocate to do that. And I was very concerned about that and I still am. The money, I guess is with you, though.

JOHN FORD: Well we still (inaudible) the advocate that presently they recognize that their responsibility is to the victim and to the Criminal Injuries Compensation Board. They work in conjunction with the States'

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JOHN FORD: (continued)

Attorney. Notifications go out as victim advocates not States' Attorney staff. We have a very clear distinct separation between the roles although they are housed together.

REP. WOLLENBERG: I just hope it works that way for the victims sake.

JOHN FORD: We have (inaudible) almost monthly or more at times to infiltrate this into our, and we have all ready talked with all the States' Attorneys and have left no ...

REP. WOLLENBERG: I understand but it is a very sensitive area. Could we get them out of those offices.

FRANCIS DOOLEY: Well, it would certainly alleviate that problem, but it also removes them from the most current information source we have with respect to victims. I mean, it is an excellent position for our advocates to be in to immediately identify victims and the advantage in that respect, over, out weighs the other..

REP. WOLLENBERG: But I just worry about that, we ought to keep looking at it and make sure that they are not used on the other side and that they are not supposed to be.

SEN AVALLONE: Any other questions of the Committee? Thank you very much gentlemen. Michael Rohde to be followed by Kyle Ballou, Lee Trevor and Patty McClean. I assume are going to speak together. Michael Rohde.

MICHAEL ROHDE: Mr. Chairman, members of the Committee. HB 6388
My name is Michael Rohde, I am the Executive Director of the Childrens Program in Meriden , Connecticut. We are a treatment agency for disturbed children. The majority of the children we serve are sexually abused. As a result I have dedicated the last three or four years to trying to do something about sexual abuse to children in a number of organizations.

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REP. TULISANO: I snuck it in two years ago. And I am doing it now. Would you identify yourself for the record.

MADELYN DEMATTEO: Madelyn DeMatteo, I am an attorney with Sounthern New England Company.

REP. TULISANO: And the other person.

MADELYN DEMATTEO: You want Bruce's name. Bruce Morris.

REP. TULISANO: I don't understand everytime the insurance company raises the rates (inaudible) I guess it means that these people may be just exposed to the limits or they don't go back to the old way, the insurance company. By the way, we did a general survey here, and we heard that testimony about the inability to get independent directors and we found a lot of people who have never been asked, who might be willing to serve. (laughter) A lot of people here today, right?

MADELYN DEMATTEO: Just to clarify something, it is a question of increased premiums. But it is also a question of whether you can get the coverage at all. There are quite a few insurance companies that are not even quoting.

REP. TULISANO: Try to get lawyers like that. There is one company someplace, St. Paul or something. Ladies over there do you want to talk. Do you really have to. Now 15 people have said the same thing before you. We don't want to hear the same thing over and over again.

MR. MENARD: No I think I am going to say a few things that you have not heard before. My name is Ann Bernard, and I am the Executive Director against the Coalition for Domestic Violence. I am here to testify on Committee Bill 7625 an Act Concerning Domestic Violence. Today I am testifying to an Act Concerning Domestic Violence. The bill makes 7 changes to the Family Violence Prevention and Response Act passed last session. And proposes transferring funds supporting the Family Violence

MS. MENARD: (continued)

Victim Advocate Program from the Judicial Department to the Criminal Injuries Compensation Board. I would like to comment on five of the changes that are proposed in the law.

The exclude breach of peace and disordily conduct from the definition of family violence crimes. We strongly opposes this proposed change. Statistics available from family division from October through January indicate that almost 50% of the cases being seen by the court involve charges of breach of peace and disordily conduct. Removing this large number of cases and these types of cases from the Judicial Response mandated under Public Act 336,337, for one of the major goals of the act. Which is to intervene in family bonds cases as early as possible and to provide offenders with strong disinsentives for any continued or exculated levels of violence. These cases of breach of peace and discrdily conduct where the violence is low or primarily verbal in nature rather than physical. Provide important opportunities for the Judicial System to send a message to the victim as well. That protection and support systems are available to them and that family violence is a crime for which offenders will be held accountable.

REP. TULISANO: I thought that was the problem, stop. Verbal was never intended, as I understood it. Verbal abuse were never..

MS. MENARD: Physical..

REP. TULISANO: Yes, but that is not what you said. You said verbal abuse.

MS. MENARD: Threats I consider to be verbal, usually. Again, there may be, I have to assume that there is an appropriate arrest being made.

REP. TULISANO: Okay, you sat on this Committee all the years we have you would learn that most of them are not in every case.

- REP. WOLLENBERG: But the coalition I think should be more interested in really what is happening out there not what we would like to see happen and what we intended to happen. We are disrupting a lot of households that neither one of the people understand that is going to happen when they call the police now.
- MS. MENARD; I think it is important that when you raised this point earlier during Judge Kelly's testimony. I think it is important to remember that if the police were called there was a reason that the police were called. So there is something going on in that relationship all ready.
- REP. TULISANO: I'm like Richard, I get the calls at two o'clock in the morning. The police are here, my wife came home, she is drunk again, they know she has a problem. I called them because I did not want to restrain her again and they have come before and they, you know, they have talked to her and everything is fine. But they came, with the bill right now and they are going to arrest me. Somebody has to leave the house. You know who leaves the house. Mother, and he gave her 35 bucks and she went and she got a motel. And he stayed with the two kids. The guy was completely, and they were both arrested in court the next day.
- MS. MENARD: I am not going to defend the police that don't, that are arresting when there is no probable cause. I can't do that. I mean, I am just as, there is as many women arrested. There are women being arrested under those circumstances that we are very concerned about as well. That are clearly acted in self defense or whatever. My sense is that is a primarily a training issue. And I say that with you know, I am the one who does a lot of...
- REP. TULISANO: What is happening is, they are saying it will never happen again because it is going to go a lot farther than that before we call the police. Because it cost them 300 bucks that they did not have to get this all taken care of. Between the motel and out of the house and out of work, they can't afford that. All they were doing was looking for some help. And, okay, I think we have gone

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REP. TULISANO: (continued)

farther than we thought we would,

MS. MERNARD: And I think there is probably just as many cases, and probably more cases where certainly we have heard from the victims that we have worked with that finally an arrest is occurring, in cases where they may have called the police many times and the police did not respond since October 1st arrest are occurring.

REP. TULISANO: I do a lot of domestic work and I have to say to these people, you have to have them arrested. Oh, can't they come and just take him out for the night. You have got to have him arrested. So now I guess you folks are saying, having him arrested and now they come crawling back the next day and say I should never have had him arrested. Tell me something what is disorderly to breaches?

MS. MERNARD: It's about 50, 50 I think. I mean of the 50%.

REP. TULISANO: Is it, okay.

MS. MERNARD: Wait a minute, this is through January. They are almost equal, breach of peace and disorderly conduct represent 50% of the cases and they are about 25%.

I mean, the other reality is that there are as many cases of under arrests. I mean that is another one of our concerns about removing these cases at this point before it sorts out. We have only had 6 months worth of experience with this law. We are as interested as you are at looking at this, but it feels to premature to do that.

REP. TULISANO: Mr. Hurley felt the same way.

REP. WOLLENBERG: I think what is going to happen when you have a year or so of statistics and they are going to say see how the domestic violence stopped. I don't think it could have stopped.

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MS. MENARD: I would very surprised if it did.

REP. WOLLENBERG: No, see how far down its gone. Its lessened lets say. What is going to happen is, people are not going to call. There is going to be just as much going on and they are not going to call. I don't think we have cured it or met the end that we have tried too.

MS MENARD: I think that is where the intervention of the Domestic Violence Programs, for example, who will, one of the things that domestic violence shelters are seeing very clearly is women calling much earlier in the process. They are calling way before it gets to real serious violence. Because they are getting the information that services are available that this is a crime. That this will be taken seriously, and they are calling for assistance early on. I think that is a wonderful result of this. So if it gets victims information earlier before the violence escalates to a point that we have women being killed or very seriously injured.

REP. TULISANO: You will be a part of the discussion before we get the bill.

MS. MENARD: Okay, I understand the concern and we, certainly in doing...

REP. WOLLENBERG: I don't think they should beat each other up, I don't think they should do that, don't get me wrong. I think we ought to do something..

REP. TULISANO: When I am mad at my wife, despite throughout morale who says I can't to it, I am going too. When I break my.. my wife says she doesn't like it. That would be breach of peace and they interpret that as being domestic violence and being breach of peace.

MS. MENARD: I don't think you understand..

REP. TULISANO: We have to write a law...that is all we are telling you. We want your help.

MS. MENARD: And we would love to help you. Let me make a few other points. Second, to make statements made

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MS MENARD: (continued)

to family relations officers in family violence cases confidential. I don't think, that is one of the proposals. We would support this, this change that would suggest that information provided to victim advocates also be identified as confidential under this statute. And that could be done very quickly.'

The third to require reports from family relations officers to made within 48 hours of referral rather than at first court appearance. We say this is to concerned that this change would serve no useful purpose and would, in affect, confusion during the case proceedings. You would then have the body within 24 hours and not have the report due till 24 hours later.

REP. WOLLENBERG: What happens then, I suppose the judge says, I won't handle this until they have gotten the report from across the way.

MS. MENARD: That's true so you would have to come back again.

REP. WOLLENBERG: So he would miss another days work. That is another dollars out of the household.

MS. MENARD: We feel this is crazy, so we are concerned about that. There is clearly a problem with family relations over burdening of family relations. I think that is a problem and I know that they have requested some additional appropriations to hire more family relations officer. And we would support that. And I think they do too in my conversations with family relations.

REP. WOLLENBERG: It becomes less and less by the more people. We went over that earlier.

MS. MENARD: To require a family division to maintain a registry of restraining orders rather than protective orders. Just, our comment on this is that currently that registry is available 9 to 5 Monday through Friday. Access to that, which is where

MS. MENARD: (continued)

there are usually problems is at night or on the weekends, so there is a problem with that. So either place it with the police which is open 24 hours a day. Someplace that is open 24 hours a day. This is just a registry so someone can call up and say is this restraining order still in place. Whatever, it is not a big problem but it is something I would notice.

The transfer of funds for the family violence victim advocate program from the Judicial Department to the Board. CCADB supports this proposed change based on our understanding, I thought you would like this. Based on our understanding that the current design of the Family Violence Victim Advocate Program will remain essentially unchanged after the transfer. And we have gotten this assurance in our conversations with the Board and OPM and various other people.

CCADB appreciates both the logic and efficacy of the concept of central coordination of services to crime victims and agrees that the compensation board or the Commission on Victim Services or whatever it becomes would be best suited to be the lead state agency for that coordination effort.

We are concerned, let me just sort of, we would again, strongly oppose attempts to alter the basic design of the program. It should be remained community based with the victim advocates primarily court relationship being with family relations. The family violence victims advocates are not in the prosecutors office. They are in family, I mean their relationship is with family relations and we strongly support that for a lot of the reasons that we were concerned about in the placement in the prosecutors office.

I have attached a backsheet on the victim advocate, the Family Violence Victim Advocate Program which adds to the testimony. So just for your information. I will be submitted written testimony on a couple of the other bills on Monday.

MR. PODOLSKY: (cont.)

options are there already, the kid doesn't sit in the police station.

REP. WOLLENBERG: I don't think that any of them are satisfactory, but I don't know what to do with the kids today. I think it's a problem and we can keep saying we don't want to do this, we don't want to do that.

MR. PODOLSKY: What I am saying they should do the choices that in the statute, but I don't think the option of detention center is a good choice.

REP. WOLLENBERG: Just think of a new option for us, that's the issue.

MR. PODOLSKY: House Bill 7603, would put 16 and 17 year olds into juvenile court, in other words it would redefine child as being up to the age of 18. From our angle there is some benefits in treating kids who are charged with criminal type offenses as children, but I'm looking at the, the angle that I look at before it creates the problems, that is, against the status offender.

I don't think you want to be treating runaways and what we call disobedient children as suitable to put to treat families with service needs and then run them through that process.

REP. TULISANO: You are the only person who has caught that all day.

MR. PODOLSKY: I think you should reject the bill or at least if you are going to go with, if you want to go with the bill, you should amend that the definition of children of families with service needs to refer to children only under 16, so even if you define them as child, they don't come under this.

REP. TULISANO: You are missing it, the reason is (inaudible)

MR. PODOLSKY: House Bill 7625, is the domestic violence amendments bill. There are two parts that I would

MR. PODOLSKY: (cont.)

urge you to reject as part of the bill. The bill as a whole is okay. These things have been discussed before. One is taking out disorderly conduct and breach of peace. That' half the cases they do involve violence, they are only covered.

REP. TULISANO: Only 20% of the cases.

MR. PODOLSKY: It's 50%. It's half the cases. There are only supposed to under the act if they involve violence or the imminent threat of violence and it's no any breach of the peace that's under, it's breaches of the peace that involve violence.

REP. WOLLENBERG: I hope you give the clarifying statute to the police ...

MR. PODOLSKY: I don't know what to tell you on that. In addition, there is one other part that is a problem, that is if the bill changes when the family violence intervention unit is supposed to make its report to court, say doesn't have to make it for 48 hours, but you are in court within 24 hours.

REP. WOLLENBERG: You come back a second day.

MR. PODOLSKY: But that doesn't make any sense to have to come back twice.

REP. TULISANO: It does to me if that is what it says. Why not have the guy come 48 hours later? Or woman.

MR. PODOLSKY: The reason that that (inaudible) is that you want the authority of a court order in place as quickly as possible. It's, the report does not have to be in writing, they don't have to write it right away, they can just come in and say it.

REP. TULISANO: I made a lot of mistakes in my life, I think this is one of them.

MR. PODOLSKY: You, there are also two other bills that deal with the same subject matter. If this bill is moving forward you ought to merge them in and that

MS. ~~RODOLSKY~~: (cont.)

is House Bill 6688, which is the one that says a single entry fee if you do two things at once and Senate Bill 184 which is the one that says you don't, that since the defendant is being served with the copy of the restraining order you don't have to mail him a copy, because the mailings created some other problems.

If you are doing them just throw them in together.

REP. TULISANO: We appreciate your input.

MS. ~~PODOLSKY~~: 7631, child support collection. This is the DHR bill that say that you don't get to open your mouth to defend when, and it is apparently being required by federal law, that we already have something called the uniform reciprocal enforcement of support act that when you have an out of state judgement, you can file it in Connecticut, it becomes a judgement in the Connecticut court, you have the same rights as if it was a Connecticut judgement. In particular you have the right to ask for modification of the judgement, you've lost your job or don't have any capacity to pay.

This bill says you can file the order directly with DHR, you don't even have to go to court to file the order and you are prohibited from changing the order in any way whatsoever, so that even though you no longer have a job, you, if this was a California order, you have to fly to California if you want to try and convey to them that you need a modification. I have spoken with DHR and DHR seems to be willing to try and find ways that would accommodate to those concerns as long as it doesn't jeopardize their federal funding. I think there are some ways we could do that.

House Bill 7616, ex parte temporary custody orders. Nobody has testified on this, right.

REP. TULISANO: Wait, we don't want to hear it. It's six o'clock, the hearing is over. It's illegal. I heard Tony say that last week.



TO: MEMBERS OF THE JUDICIARY COMMITTEE

Senator Anthony Avallone
Representative Richard Tulisano
Co-Chairs

CONNECTICUT
COALITION
AGAINST
DOMESTIC
VIOLENCE

FROM: Anne Menard
Executive Director

22 Maple Avenue
Hartford, CT 06114
(203) 524-5890

TESTIMONY AT THE APRIL 4 PUBLIC HEARING
Committee Bill 7625 - AN ACT CONCERNING DOMESTIC VIOLENCE

CCADV is testifying in reaction to Committee Bill 7625 - AN ACT CONCERNING DOMESTIC VIOLENCE. This bill suggests 7 changes to the Family Violence Prevention and Response Act, or PA 86-337, passed last session, and proposes transferring funds supporting the Family Violence Victim Advocate Program from the Judicial Department to the Criminal Injuries Compensation Board. I would like to comment on five of these proposed changes:

1. to exclude breach of peace and disorderly conduct from the definition of "family violence crimes" (lines 34-35) - CCADV strongly OPPOSES this proposed change. Statistics available from Family Division from October through January indicate that almost 50% of the cases being seen by the court involve charges of breach of peace and disorderly conduct. Removing this large number of cases and these types of cases from the judicial response mandated under PA 86-337 thwarts one the major goals of the Act, which is to intervene in family violence violence cases as early as possible and to provide offenders with strong disincentives for any continued or escalated levels of violence. These cases of breach of peace and disorderly conduct, where the violence is low or primarily verbal in nature rather than physical, provide important opportunities for the judicial system to send a message to the victim as well, that protection and support systems are available to them and that family violence is a crime for which offenders will be held accountable. CCADV OPPOSES this proposed change because we feel it would seriously undermine the deterrence potential of the Act by excluding those very cases where early and concerted intervention might be particularly

effective in eliminating or reducing the seriousness of future incidents of family violence.

2. to make statements made to Family Relations officers in family violence cases confidential (lines 130-134) - CCADV SUPPORTS this change but would suggest that information provided to Victim Advocates also be identified as confidential under this statute. This could be accomplished very simply by adding "or Family Violence Victim Advocates" after "a Family Relations officer" in line 130.
3. to require reports from Family Relations officers to be made within 48 hours of referral rather than at first court appearance (lines 125-126, and lines 138-139) - CCADV is concerned that this change would serve no useful purpose and would in fact create confusion during case processing. Without an assessment from Family Relations available at arraignment, decisions regarding the necessity of protective orders or other conditions of bond, for example, would be more difficult to make. The very real problem of Family Relations' overload would be better dealt with through increased appropriations for additional personnel. CCADV OPPOSES this proposed change.
4. to require the Family Division to maintain a registry of restraining orders rather than protective orders (line 213) - CCADV would just like to point out that such a registry, whether it contains information on protective orders, restraining orders, or both, would be much more useful to victims and police departments if it were accessible on a 24-hour basis, rather than 9-5, Monday through Friday as it is currently. Again, this is a resource allocation problem.
5. transfer of funds for the Family Violence Victim Advocate program from the Judicial Department to the Compensation Board (lines 255-260) - CCADV SUPPORTS this proposed change based on our understanding that the current design of the Family Violence Victim Advocate Program will remain essentially unchanged after the transfer. CCADV appreciates both the logic and efficacy of the concept of central coordination of services to crime victims and agrees that the Compensation Board, or the Commission on Victim Services, as proposed in Bill 5068 (before you today), would be best suited to be the lead state agency for that coordination effort.

It is critical, however, that any such coordination activity recognize and make appropriate use of established community-based victim service systems, such as local domestic violence programs and sexual assault

crisis services. The Family Violence Victim Advocate Program can be taken as a case in point. Hired and supervised by the local domestic violence programs, the Family Violence Victim Advocates work in the courts at the GA level and receive referrals directly from Family Relations. Consequently, the Victim Advocates are able to draw on the resources available to them by virtue of their court placement, as well as the wide range of services available through the domestic violence program to which they are connected. VICTIMS ARE THE ULTIMATE BENEFICIARIES OF THIS DUAL ACCESS. We believe this model of service delivery, with its formal linkage between the court system and the community-based service programs, is a good one, and one with the potential for broader application.

As a footnote at this time, I would point out that through the end of February, Family Violence Victim Advocates under this program have worked with over 3000 victims, both male and female, providing just shy of 7000 units of service (counseling, referral for shelter, in-court assistance, etc.).

In summary, we support the transfer of funds from the Judicial Department to the Compensation Board based on our understanding that the essential program design elements will remain unchanged. We would strongly oppose attempts to alter the basic design of the program; it should remain community-based, with the Victim Advocates primary court relationship being with Family Relations, and CCADV should continue to function in a coordination/oversite role. For your information, I have attached to my written testimony a copy of a fact sheet CCADV has prepared on the Victim Advocate program. Thank you for your consideration of CCADV's concerns and suggestions.

I will be submitting additional written testimony on Monday on several other bills related to crime victims in general and sexual assault victims in particular.

The Board strongly opposes the passage of H.B. No. 7565 (COMM) AN ACT ELIMINATING THE CONSTANCY OF ACCUSATION RULE and supports H.B. No. 7586 (COMM) AN ACT CONCERNING SEXUAL ASSAULT IN FIRST DEGREE in the interest of sexual assault victims and their families.

H.B. No. 7625 (COMM) AN ACT CONCERNING DOMESTIC VIOLENCE

The Board strongly favors the passage of this legislation overall. The last section of this bill proposes the transfer of the domestic violence advocates to the Criminal Injuries Compensation Board, through the transfer of funds from the Judicial Department to C.I.C.B.

Last year the Criminal Injuries Compensation Board's Victim Advocate Program began operating in six Judicial Districts throughout the state. "Domestic Violence" Victim Advocates also began working in the courts last year, funded by the Judicial Department. We do not question the exigency for victim advocates trained to respond to the unique needs of domestic violence victims. However, the Board believes that the transfer of the "Domestic Violence" Victim Advocates to the Criminal Injuries Compensation Board will accomplish several important goals, including:

- o Allieivating confusion among victims, court personnel, law enforcement officials, and service providers regarding which Victim Advocate has responsibility to respond to which case;
- o Facilitating the coordination of services for victims of domestic violence and other crime victims and their families through centralized supervision and administration;
- o Avoiding the duplication of administrative tasks and costs associated with operating and managing a victim advocate program, creating a more cost efficient program overall;
- o Promoting the concept of a comprehensive, statewide victim service delivery system, regardless of the source of the crime, as opposed to the existance of seperate but parallel service system dependent upon the type of crime committed against the victim; and
- o Facilitating the joint utilization of resources - ranging from contractual agencies to informational materials, from staffing patterns to support services, and from "agency" forms to individual skills and expertise.

The State of Connecticut must be cautious to avoid a perception that one category of crime victims is more deserving of services and assistance than other categories. The transfer of "domestic violence" victim advocates proposed in H.B. 7625 would greatly promote the awareness that the state is committed to responding to the needs of all crime victims and their families by placing all state operated services to victims of crime within one state entity.

The Board would willingly accept the responsibility entailed in administering and supervising the "domestic violence" victim advocates. As we understand the pending legislation, this transfer would leave the family violence units in tact within the courts and would only transfer the victim advocate program which is delineated in Section 3 (c), on Lines 126 and 127 of H.B. 7625. Within the parameters of current domestic violence counseling practices the Board would provide or arrange for services to the parties involved. It would also assume the supervisory and administrative functions for the program. We are also making an assumption that the transferred funds will be adequate for the Board to continue the level of services currently being provided through the Judicial Department, as the program will need to be self-supporting through appropriated money.

I, on behalf of the members of the Criminal Injuries Compensation Board, appreciate this opportunity to speak before this Judiciary Committee and express our views on this pending legislation. The support of the legislature is vital to any successful statewide effort to respond to the needs of victims and their families. Thank you for the support and concern for victims' issues that you have demonstrated this year, as well as in the past. I will be happy to respond to any questions or comments that you may have about the material presented today.

FAMILY VIOLENCE VICTIM ADVOCATE PROGRAM

(HB 7.625)

FACT SHEET

The FAMILY VIOLENCE VICTIM ADVOCATE PROGRAM was established in October 1986 by the Ct. Coalition Against Domestic Violence, the state-wide network of domestic violence programs, which secured a contract with the Judicial Department's Family Division. It fulfills not only the mandate contained in the FAMILY VIOLENCE PREVENTION AND RESPONSE ACT (86-337) to "provide or arrange services to victims", but also the recommendation in the Governor's Task Force on Family Violence Report to build and strengthen linkages between the court system and existing community-based domestic violence programs.

The Family Violence Victim Advocate Program:

- * Provides 12 half-time and 7 full-time Family Violence Victim Advocates to cover each of the 21 geographical area (G.A.) courts.
- * Provides victims, male and female, with immediate intervention and support services, such as emergency shelter, counseling, court assistance and referral to community services.
- * Assists Family Relations officers assess family violence cases, particularly the victim's level of fear, and develop recommendations to the court regarding case disposition.
- * Makes maximum use of existing community-based domestic violence shelters and services by providing a direct link between these programs - which hire, train and supervise the Victim Advocates - and the court system - which identifies the victim and refers her/him to the Advocate.

DURING THE FIRST QUARTER OF THE PROGRAM'S OPERATION (OCT - DEC 1986)¹:

- * 3,966 referrals were made to the Advocates by Family Division;
- * 76% of the victims the Advocates contacted accepted services;
- * 175 individuals received on-going services from the Victim Advocates in the months following their initial contact;
- * 2,754 units of service were provided by Advocates to 1,683 victims; these services include counseling, assistance with TRO and protective order applications, emergency shelter, court assistance, etc.

FOR MORE INFORMATION CONTACT, ANNE MENARD, EXECUTIVE DIRECTOR 524-5890

1. Excludes data from New Britain for the entire quarter due to delay in hiring the Victim Advocate.

Connecticut Coalition Against Domestic Violence

VICTIM ADVOCATE INFORMATION SHEET

PROJECT LOCATION	VA POSITION	COURTS ASSIGNED/ LOCATION	OF REFERRALS FROM
			FAMILY RELATIONS OCT - DEC
1. ANSONIA	.5	GA 5 DERBY	187
2. BRIDGEPORT	1.5	GA 2 BRIDGEPORT	549
3. DANBURY	.5	GA 3 DANBURY	128
4. DANIELSON	.5	GA 11 WILLIMANTIC DANIELSON	76 (not broken out)
5. ENFIELD	.5	GA 19 ROCKVILLE GA 13 ENFIELD	211 (not broken out)
6. HARTFORD	1.5	GA 14 HARTFORD GA 16 WEST HARTFORD GA 12 MANCHESTER	629 69 135
7. MERIDEN	.5	GA 7 MERIDEN	286
8. MIDDLETOWN	.5	GA 9 MIDDLETOWN	77
9. NEW BRITAIN	1.0	GA 15 NEW BRITAIN GA 17 BRISTOL	123 (not broken out only month of Dec)
10. NEW HAVEN	1.5	GA 8 WEST HAVEN GA 6 NEW HAVEN	423 (not broken out)
11. NEW LONDON	1.0	GA 10 NORWICH GA 21 NEW LONDON	294 (not broken out)
12. NORWALK	.5	GA 20 NORWALK	77
13. STAMFORD	.5	GA 1 STAMFORD	92
14. TORRINGTON	1.0	GA 18 TORRINGTON	209
15. WATERBURY	1.5	GA 4 WATERBURY	490

State of Connecticut
JUDICIAL DEPARTMENT
OFFICE OF THE CHIEF COURT ADMINISTRATOR
Drawer N, Station A
Hartford, Connecticut 06106

Testimony of Faith A. Mandell
Judiciary Committee Public Hearing
Saturday, April 4, 1987

H.B. 7625, A.A.C. Domestic Violence

The Judicial Department supports several of the changes proposed in this bill. It believes that the change in section 2 deleting reference to the bail commissioner setting conditions of release is necessary to clarify the fact that the police can fix conditions of release in family violence cases. Sections 54-63c and 54-63d of the general statutes set forth the procedures and conditions for releasing persons who have been arrested and therefore would be applicable to persons arrested for family violence crimes. It also supports the change in section 4 which requires the family division to provide a registry of all restraining orders rather than protective orders. This change conforms the language to the other provisions of section 46b-15.

I would also like to make one observation with regard to the proposed language requiring that reports from family relations officers be made within 48 hours of referral of the family violence case rather than at the first court date appearance. The Department is unsure why this change is being proposed because under section 54-1g of the general statutes any person charged with a family violence crime is to be promptly presented before the superior court sitting on the next regular session.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 7
2098-2506

1987

JUDITH FREEDMAN: (Continued)

to submit my views. Sincerely, Stewart B. McKinney"
Thank you.

REP. TULISANO: Thank you. John Kelly.

JOHN KELLY: Ladies and gentlemen, my name is John Kelly, Chief State's Attorney. I'm here today to express the views of the Division of Criminal Justice concerning Ways Committe Bill 7526.

Before I do that, however, and hopefully I'm not in violation of any of your rules, I last appeared before you prior Saturday, you had asked me some questions about family violence. I do have some exhibits as promised concerning that issue. I would just have the record reflect what they are and give them to your clerk. One is addressed to Rep. Tulisano concerning proposed language as to parental discretion to discipline their children. The second would be a letter dated January 13, 1987 that I wrote to Craig Appel, Executive Director, Municipal Police Training Council concerning the domestic violence act which addressed the question of arrest and question of bail; third would be General Notice 8703 from Mr. Appel to all police departments under date of January 29, 1987, echoing my sentiments; next would be a letter dated March 9, 1987 from me to Lieutenant Colonel John A. Mulligan, Executive Officer of the State Police addressing the issue of the setting of bail in family violence cases; next would be the booklet entitled Police Response to Family and Domestic Violence, a model policy and procedures and guidelines which has been distributed by MPTC to all law enforcement agencies in the State; and finally would be a booklet that the Division of Criminal Justice prepared in connection with an educational seminar we had for all prosecutors and investigative personnel in the Division of Criminal Justice to hopefully implement faithfully the legislative intent in this area. So if I could leave these? (HB 7625)

REP. TULISANO: Thank you.

STATE OF CONNECTICUT
MUNICIPAL POLICE TRAINING COUNCIL
CONNECTICUT POLICE ACADEMY



GENERAL NOTICE 87-03

TO: Chief Executive Officers
Training Officers

FROM: Craig Appel, Executive Director *CA*

DATE: January 29, 1987

SUBJECT: Advisory Opinion (HB 7625)
"Model Policy, Procedure and Guidelines"
Family and Domestic Violence
Public Act 86-337
Follow-Up

Recently, the Council, Chief State's Attorney John Kelly, and the Connecticut Police Chiefs' Association Committee on Family and Domestic Violence (chaired by Chief Michael Green of Cromwell) met to discuss Connecticut's police-prosecutorial experience concerning the implementation of Public Act 86-337. The overall reaction of the meeting participants, as well as the input solicited by the Association, seemed to indicate that the reaction to PA 86-337 was positive and that the "Model Policy, Procedures, and Guidelines" distributed earlier this year have proven to be effective and need not be revised. There were, however, two areas of concern that needed to be addressed. This General Notice responds to these concerns.

The first area of concern is the belief of some police officers that Public Act 86-337 requires a custodial arrest in all cases where the officer has probable cause to believe that a family violence crime has occurred. While Section 2(a) of the Public Act requires that an "arrest" occur, it does not require that a custodial arrest be made. The "Model Policy, Procedures and Guidelines" on pages 2-3 and 8-9 explain that the police officer retains the discretion to issue a summons or make a custodial arrest.

The second area of concern focuses on the belief of some police officers that they cannot set bond in family violence cases. Public Act 86-337 contains no such prohibition. Police officers

should set bond in family violence cases as they do in other cases. Under Section 54-63d of the Connecticut General Statutes, the bail commissioner must be notified only if "...the arrested person has not posted bail ..."

Finally, a question was raised regarding the length of time a law enforcement unit must retain the "Arrest Reporting Form" when an arrest is not made. The Council's Domestic Violence Project Manager made inquiry regarding this issue with the State of Connecticut. In the opinion of Mr. Dominic A. Persempere, Public Records Administrator of the State of Connecticut, form SP230-C, the Family Violence Offense Report, should be considered an incident report form if no arrest is made. The record retention period for this type of form is six (6) years.

CA:nbt

State of Connecticut

DIVISION OF CRIMINAL JUSTICE

2366



JOHN J. KELLY
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RICHARD E. MALONEY
DEPUTY CHIEF STATE'S ATTORNEY
ROBERT J. SABO
DEPUTY CHIEF STATE'S ATTORNEY

January 13, 1987

Mr. Craig Appel
Executive Director
Municipal Police Training Council
285 Preston Avenue
Meriden, Connecticut 06450

Re: Public Act 86-337

Dear Craig:

On January 6, 1987, I met with several members of the Committee representing the Connecticut Police Chiefs Association to discuss the police-prosecution experience concerning the implementation of Public Act 86-337.

The overall reaction was positive and we agreed that the "Model Policy, Procedures and Guidelines" have proven to be effective and need not be revised. There were, however, two areas that need to be addressed. A General Notice from MPTC would be an appropriate method for this purpose.

The first area concerns the belief by some police officers that Public Act 86-337 requires a custodial arrest in all cases where the officer has probable cause to believe that a family violence crime has occurred. While Section 2(a) requires that an "arrest" occur, it does not require that a custodial arrest occur. The "Model Policy, Procedures and Guidelines" on pages 2-3 and 8-9 point out that the police officer retains the discretion to issue a summons or make a custodial arrest.

The second area concerns the belief by some police officers that they cannot set bond in family violence cases. Public Act 86-337 contains no such prohibition. Police officers should set bond in family violence cases as they do in other cases. Under Conn. Gen. Statute 54-63d the

Mr. Criag Appel
Page 2
January 13, 1987

bail commissioner must be notified only if "...the arrested person has not posted bail...".

Sincerely,



John J. Kelly
Chief State's Attorney

JJK/azl

cc. Chief John Ambrogio