

HB5497

House	1934-1946	13
Judiciary	1631-1640, 1660-1661, 1665-1701, 1703-1709, 1714-1729, (1734-1746), 1746-1780, 1784-1792, 1797-1815, 1816-1820, 1825-1828, 1830-1837, 1839-1842, 1843-1852, 1855-1858, (1860-1866), 1886-1892, 1901-1908, 1910-1912, 1917-1973	261
Senate	4112, 4125-4127	4
		278

**H – 1079**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2010**

**VOL.53  
PART 7  
1870– 2219**

rgd/gbr  
HOUSE OF REPRESENTATIVES

368  
April 27, 2010

REP. WALKER (93rd):

Thank you, Mr. Speaker.

I rise for another announcement.

SPEAKER DONOVAN:

Please proceed, madam.

REP. WALKER (93rd):

You know, it's really amazing. We even have one more coincidence here. I'd like to announce to the House that we have another person that turned 39, Representative Jarmoc.

SPEAKER DONOVAN:

Happy birthday, Representative.

It's a real trifecta here at the House. And they're all birthdays that are 39. That's unbelievable.

All right. Still a little more business to go.

Will the Clerk please call Calendar 302.

THE CLERK:

On page 36, Calendar 302, Substitute for House Bill Number 5497, AN ACT CONCERNING RECOMMENDATIONS OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES' TASK FORCE ON DOMESTIC VIOLENCE, favorable report of the Committee on Appropriations.

SPEAKER DONOVAN:

Representative Jerry Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. I move for the acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance of the joint committee's favorable report and passage of the bill.

Will you remark, sir?

REP. FOX (146th):

Thank you, Mr. Speaker.

As Representative Flexer previously stated, this is the second of three bills that are the product of the Speaker's task force on domestic violence. I should begin by thanking you for forming this task force as well as the members from both sides of the aisle who participated.

This bill addresses many of the issues that would come under the judicial branch as well as other issues dealing with offenders and victims of domestic violence. What the bill does, there are 17 sections of this bill. What it does is in Section 1 it allows for information sharing, which clarifies that a court may consider relevant public court documents when

considering requests for restraining orders. Other sections include that the judicial branch may also engage in information sharing, so that when they're evaluating situations and cases that involve domestic violence, that they may share the information that is under the guise of the judicial branch. And what this section does is allow for them to do that. It also deals with the monitoring of those offenders when they are released pre-conviction or after their arrest. And what it does is it allows for GPS monitoring of certain high-risk individuals in the event that they are able to make bail and they are released following their arrest. Now there will be an amendment I will call shortly that will narrow that, but what it does is allow for GPS monitoring.

Also there are certain situations in our judicial statutes, in our statutes that require some clarification. There are situations called a "civil restraining order," where individuals go to the civil court, the family court, and if you get what's called an "application for relief from abuse." And those are generally under the term "restraining order."

What also can be used at times is what's called a "criminal protective order" and those are the -- what

are used when there's an arrest.

So from this point forward it would be to hope that when dealing with a criminal case, the term "protective order" would be used. When dealing with a civil application for relief from abuse, the term "restraining order" would be used. And hopefully, going forward we can get rid of some confusion that has existed in the past in terms of how those different terms are used.

There was also a section that deals with who clarifies in situations where there's a protective order, who gets a copy of those protective orders. Currently, it's less clear, and what this does is it will mirror what the law is what restraining orders, and it says that the court shall notify -- when a protective order is issued, they will notify the law enforcement in the towns in which a victim resides, a victim works as well as the town or city in which the defendant resides.

And it is the hope that, you know, by making sure that all of the prevalent law enforcement agencies are aware that a protective order is in place, it is the hope, at least in the situations, they will be aware of what is going on and what the potential problems

could be.

In addition there's a section that allows for protective orders to be issued during a period of probation. Currently, a protective order would end upon a guilty plea unless, a court ordered what's called a "standing criminal order," which would be a lifetime order, but that's only in the more serious crimes.

And it came to our attention, and this was a recommendation of the victims advocates, specifically to victims advocates in Stamford and Norwalk who felt it may be best if we could include -- allow the protective order to continue during a period of probation.

And what that would do is it would enable an offender who pleads guilty to maybe avoid the lifetime protective order but it would still keep the potential penalty of a felony conviction over their head if they were to violate the terms of their probation. Now this was a recommendation, as I said, from the victims advocates and it was one that was adopted as part of this legislation.

In addition, Mr. Speaker, there's a section that deals with persistent felony offenders. As we know

and as we've discussed over the last several years we have statutes that allow for enhanced penalties when someone is a persistent offender. The statute that deals with persistent offenders of domestic violence crimes, what it does is it limits the look-back period to five years. So what we have done is we've gotten rid of the look back period.

And now if an individual has committed a domestic violence crime in the past or in another state, that is a factor that prosecutors can use and judges can use in determining the appropriate penalty if they are arrested again.

Mr. Speaker, we also have had a large amount of discussion regarding domestic violence dockets. Currently, there are 22 geographical areas or criminal courts throughout our state. We have eight domestic violence dockets, which are specifically designated dockets that address domestic violence crimes. It's called "vertical prosecution." What they do is they designate a judge, they have designated prosecutors, victims advocates and what their role is, is to handle these dockets.

What we did in the original bill is we asked judicial if they would be able to enhance domestic

violence dockets through all of their courts. There's an amendment that I'll be presenting shortly that will address that. It limits the number of dockets, but it does seek to expand the dockets.

Mr. Speaker, there's also a section here that expands employment protections for crime victims, which it will include domestic violence victims in civil situations. Currently, if there's a criminal case, a -- those employment protections for victims would apply to those victims. What this does, though, is it would also expand those situations to those who may have a civil restraining order, as I mentioned earlier.

In addition, Mr. Speaker, there is a section that will allow the victims of the domestic violence to take reasonable leave in the event that they need to attend a court date or get some sort of psychological counseling or medical treatment or if they need to move. And what that does is it will enable them to take that leave as reasonably necessary and not risk losing their jobs.

Mr. Speaker, there is an amendment, LCO Number 4359. I asked that that be called by the Clerk and I be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 4359, which will be designated House Amendment Schedule "A."

THE CLERK:

LCO Number 4359, House "A," offered by Representative Fox, Senator Handley, et al.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Hearing none, Representative Fox, you may proceed with summarization.

REP. FOX (146th):

Thank you, Mr. Speaker.

As we are all aware, we have serious fiscal constraints and we are very limited in what we can propose. What this does is it hopefully clarifies that what we are proposing is going to be done within what is available.

The first part of this amendment, what it does is it addresses the federal funding that was recently announced by the Governor for GPS monitoring. There was a press release several weeks ago that stated that three courts -- I think it was Bridgeport, Hartford and Danielson will enact GPS monitoring and that will

be a pilot program that will be used.

What this amendment does is it clearly states, in case there was a question, that the funding for that would end in March. And if there is no additional funding at that time then there would be no need to require, or to continue that GPS program unless we were able to identify addition funding.

Also there is a section here that addresses the domestic violence dockets, as I mentioned earlier. What this does is it will allow the judicial branch to create three more domestic violence dockets in addition to the ones that they already have.

As I stated, they have 8 dockets out of 22.

There is also a ninth docket, which is located in Derby, which has been commenced without additional funds. And what this will do is add three more to that list. And we were -- we did our best to try to be very careful in how we crafted the language so that it would have to be done within available resources.

We have had discussions with the judicial branch with respect to they believe that they can do this within existing funds. We anticipate that they will get together with the prosecutors, with the victims advocates and with the public defenders as well and

they will be able to identify the courts that they feel are best suited in order to open up these domestic violence dockets.

And because they will be able to identify these dockets, and if they can deal within existing funds, it is our hope that we can expand these dockets without a cost, an additional cost to the judicial branch and those other agencies that I mentioned.

Also Mr. Speaker, it also clarifies the employee/employment section I mentioned earlier, in that it identifies the type of licensed professional or medical professional that would be required in the event that someone does attempt to take this leave, as well as it limits the time that an individual could take during the course of a year.

And I urge adoption of the amendment.

SPEAKER DONOVAN:

The question is on adoption on House Amendment "A." Will you remark further? Remark further?

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Earlier on, at various times as this bill has been working its way through the system, I have been

voting no on the bill. I was told that efforts would be made to help resolve some of the concerns that I have and I am happy to say that House Amendment "A" does in fact address all of those concerns and I think makes the bill something that, in these difficult financial times is workable and something that I feel that I can support. And I urge all of my colleagues to support House "A" as well.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Klarides, you have the floor, madam.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

I'd like to thank Representative Fox for his work on this and Representative Flexer for the many conversations we have all had. And I know that most of us support this issue and wish we could have a domestic violence docket in every court, however the fiscal impact of it was clearly the issue, at least for me and I know a lot of other people.

And we were fortunate enough to sit down with the judicial branch and work with them and find them very

willing to do the work necessary to identify those three dockets in the state of Connecticut, similar to Derby, where we have a judge and prosecutors who are involved and very creative in finding ways to put together a domestic violence docket with no additional funds.

So, Mr. Speaker, for those purposes, I urge my colleagues to support this amendment.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the amendment? Would you care to remark further on the amendment? If not, let me try your minds. All those in favor of the amendment, please signify by saying, aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Remark further on the bill as amended? Remark further on the bill as amended? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure you vote has been properly cast. If all members have voted, the machine will be locked and the Clerk will please take a tally. The Clerk, please announce the tally.

THE CLERK:

House Bill 5497 as amended by House "A."

Total Number voting 143

Necessary for adoption 72

Those voting Yea 143

Those voting Nay 0

Those absent and not voting 8

SPEAKER DONOVAN:

The bill as amended is passed.

Will the Clerk please call Calendar 169.

THE CLERK:

On page 32, Calendar 169, Substitute for House Bill Number 5246, AN ACT CONCERNING THE PROTECTION OF

**S - 610**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2010**

**VOL. 53  
PART 13  
3842 - 4128**

cd  
SENATE

558  
May 5, 2010

Calendar page 11, Calendar 488, House Bill 5297,  
move to place the item on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 11, Calendar 490, House Bill 5425,  
move to place the item on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 12, Calendar 496, House Bill 5497,  
move to place the item on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 13, Calendar 509, House Bill 5126,  
move to place the item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

cd  
SENATE

571  
May 5, 2010

Calendar page 10, Calendar 461, House Bill 5207;  
Calendar 483, House Bill 5244.

Calendar 484, on page 11, House Bill 5383; Calendar  
487, House Bill 5220; Calendar 488, House Bill 5297;  
Calendar 490, 5425 -- House; Calendar 496, House Bill  
5497; Calendar 509, House Bill 5126.

Calendar page 14, Calendar 511, House Bill 5527;  
Calendar 514, House Bill 5426; Calendar 516, House Bill  
5393.

Calendar page 15, Calendar 520, House Bill 5336;  
Calendar 521, House Bill 5424; Calendar 523, House Bill  
5223; Calendar 525, House Bill 5255.

Calendar page 16, Calendar 531, House Bill 5004.

Calendar page 17, Calendar 533, House Bill 5436;  
Calendar 540, House Bill 5494; Calendar 543, House Bill  
5399.

Calendar page 18, Calendar 544, House Bill 5434;  
Calendar 547, House Bill 5196; Calendar 548, House Bill  
5533; Calendar 549, House Bill 5387; Calendar 550, House  
Bill 5471; Calendar 551, House Bill 5413; Calendar 552,  
House Bill 5163; Calendar 553, House Bill 5159.

Calendar page 19, Calendar 554, House Bill 5164.

cd  
SENATE

572  
May 5, 2010

Calendar page 20, Calendar 556, House Bill 5498;  
Calendar 557, House Bill 5270; 559, House Bill 5407; 562,  
House Bill 5253; and House Bill -- Calendar 563, House  
Bill 5340; Calendar 567, House Bill 5371; and Calendar  
573, House Bill 5371.

Mr. President, I believe that completes the items

THE CHAIR:

Mr. Clerk, could you please give me on Calendar 567,  
do you have 5516, sir?

THE CLERK:

What -- what calendar?

THE CHAIR:

567 on page 22.

THE CLERK:

It's 5516.

THE CHAIR:

Yes, sir. Okay.

Machine's open.

THE CLERK:

An immediate roll call vote has been ordered in the  
Senate on the consent calendar. Will all Senators please  
return to the chamber. Immediate roll call has been ordered in the Senate on the  
consent calendar. Will all Senators please return to the chamber.

cd  
SENATE

573  
May 5, 2010

THE CHAIR:

Have all Senators voted? Please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent  
Calendar Number 2.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President.

Mr. President -- Mr. President, before moving to adjourn, I would like to ensure the entire chamber will wish Laura Stefon, Senator McDonald's aide, my former intern, a happy birthday.

And with that -- and with that, Mr. President, I would move the Senate stand adjourn

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 5  
1360 – 1697**

**2010**

we're going to hear of the culmination of all their hard work they've done over the past few months. And I believe it's actually -- it was -- the idea of our speaker Chris Donovan and that being said we're going to first hear in the first hour from state agencies and municipal leaders. Then after that we go to the public.

And with the public we'd like to keep your comments to three minutes. And I know it may seem short, but the truth is -- so everyone can get an opportunity to be heard, we'd ask everyone to try to keep to that three minutes. If you hear the bell, please quickly summarize your testimony.

And then the legislators will have the opportunity to present questions to you. And then finally there doesn't seem to -- even though it's two committees, the room isn't full, that a lot of legislators have a lot of other meetings going on. So, some are listening in their offices. Others are at committee meetings.

I know the Transportation Committee has an important meeting this morning. So a lot of legislators will be in and out, but we all can read the testimony and will read the testimony ultimately. So at this point I'd like to begin the first speaker is actually our speaker, Christopher Donovan.

Mr. Speaker.

CHRISTOPHER DONOVAN: Good morning Chairman Doyle, Chairman Walker, members of the Judiciary Committee and Human Services. Good to see you here this morning. First of all I just want to thank both committees as well as the

HB 5497  
HB 5246

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

Education Committee for raising these important domestic violence bills. It seems like everyday we're hearing on another case of domestic violence.

And as legislators, we certainly feel the responsibility. What can we do about it? And certainly the product we have here before us, in terms of judiciary bills, human service bills, is a great product due to a lot of work of a lot of people.

I want to particularly thank Representative Mae Flexer for her -- her (inaudible) 'chairing the task force as well as Representative Fox for his work on the judiciary aspect of these bills to do -- as well -- as well as many of the advocates, whether judicial, enforcement, the coalition against domestic violence, everybody working together. Everybody came together and said here are our ideas.

Here's what we can do to prevent violence. Here's a way -- here's what we can do to help those and hear our ideas in order to make people feel safe in our community. Just quickly, the statistics which are sobering, on average Connecticut sees 20 to 25 murders related to domestic violence each year, 20 to 25.

It's tragic and we need to do something about that. The other statistic is that there are about 50,000 assaults every year in Connecticut, 50,000 assaults. And we hear about Homeland Security, we need home security as well. And the proposals we have here are ways to combat that violence and help people feel more safe.

In the House Bill 5497, strengthens the

enforcement of protective orders. And we have protective orders. We have restraining orders. Protective orders ought to protect. Restraining orders ought to restrain. And by involving all the agencies and have better communications done among the state but with other states. So that people can know that people are aware what's going on. And they can help protect family members.

The other is, which I think is the -- is a very interesting idea, and it's used in other states, is permitting judges to order GPS monitoring of domestic violence offenders. If victims know that someone is approaching in a certain area, it can give them warning. And they can take needed action.

We're looking at the cost of that being born by -- by the offender. So that if they offend, they pay the cost of the GPS. Certainly people we know of cases where people have alcohol problems, they can't start their car without breathing into a certain tube and then moving forward. People who have a history of domestic violence, should be required to wear these GPS devices so people can know what's going on and have their -- and be protected.

Others -- other information here as well, House Bill 5246 in the Human Service Committee, deals with certainly the support services that are provided for families. And we want to make sure that the funds that are collected via the marriage license is distributed to all the needed agencies.

There are other proposals in that Human Services Committee that deal with the ability of families dealing with domestic violence to

have the opportunities to deal with their needs in a way that -- you know, jeopardize their job, or jeopardize their place of living. And then also encourage the committee to consider one thing that came up in the task force that we're still looking for funds, is the use of funds for public service announcements to raise the awareness of teen -- not only dating but domestic violence.

So often on television, we see violence. We see violence on television. And I think it's important for us as a state to say here's a message. Stop the violence. And I think that's very important. And I think the state can play a role in that. So, again, I would like to thank Representative Mae Flexer, Representative Fox, members of the task force and all the people who are very tirelessly or making sure that these protections are affordable to the people in our state.

Again, I want to -- I think the -- the best part was we came with a bill almost written. It's because people worked in the off season and worked hard. And I -- again I want to thank the people for all their hard work on this. So, thank you very much.

SENATOR DOYLE: Thank you, Mr. Speaker. And thank you for pointing out Representative Fox to the (inaudible). I wasn't aware of that. I do appreciate that. Any other --

CHRISTOPHER DONOVAN: He's -- he's on other committees. So you don't see him in human services.

SENATOR DOYLE: Yes.

Any questions from committee members?

Representative Walker.

REP. WALKER: First of all, I want to thank you Speaker for all your commitment to trying to address the issues that so many people have to struggle with everyday. And I think with these economic times, we see a heightened number of them. Especially because people are under stress, and I think your sensitivity to that is really something we should applaud.

I also want to thank Mae Flexer for -- Representative Flexer, sorry, better known as Mae in our committee, because she has been so committed to this issue. She -- and -- and Representative Fox have done a wonderful job in trying to provide us with the information. And I think -- this is a beginning.

I think this is really just a beginning because it is such a hard thing to address because it's emotion and it's stress. And it's change. And I think we have a lot of work to do on that. So -- but I thank you and commend you for all your hard work this session especially in trying to work on different issues that we need to address.

So, thank you very much.

CHRISTOPHER DONOVAN: You're welcome. Again, I just want to stress again, this is -- is everybody worked together. I guess the best thing I -- I thought of was picking Mae to be the chair. She was able to pull everybody together and make everybody really work well together. And again, I want to thank her for her hard work. Thank you.

SENATOR DOYLE: Thank you.

Any other questions?

Representative Fox.

REP. FOX: Thank you, Senator Doyle. And thank you, Mr. Speaker for -- for being here today. When -- when I first heard that you had formed this task force when we were out of session, with the purpose of meeting during the off session to create legislation that we could pass, hopefully within the next month or so. It certainly seemed like a good idea given the number of cases in our criminal courts that are domestic violence related.

It's about one third of our cases --

CHRISTOPHER DONOVAN: Right.

REP. FOX: -- in the criminal court as a whole that represent domestic violence cases. And I certainly applaud the -- the selection of Representative Flexer as the chair whose has done an excellent job. And I know will continue to do an excellent job until a law is actually passed and a bill is passed. Which we expect to do this session.

But during the time that you formed the task force and to date, we have seen even more incidents take place. And it just made the need for this task force and for the types of laws, the strengthening of our criminal statutes even more prevalent to all of us.

And so I think there is a sense of urgency that we want to get something done now. And also to get something done that actually will be effective and can work going forward. So, thank you again.

CHRISTOPHER DONOVAN: Thank you. I think you're absolutely right. There's a real sense of urgency. Appreciate it.

SENATOR DOYLE: Thank you.

Any other questions? Or comments?

Representative Thompson.

REP. THOMPSON: Thank you. Good morning, Mr. Speaker.

CHRISTOPHER DONOVAN: Good morning, Representative.

REP. THOMPSON: One of the things I wasn't mentioning in remarks and I think maybe important to know and I haven't seen the task force report. And that is the significance of public health care in our communities. We have now a system nurturing families where every child born in our state, all 29 birthing hospitals, the families will be assessed for risk.

And one of the things -- one of the actual subjects that cover is if there's any history of domestic violence or a teenage pregnancy --

CHRISTOPHER DONOVAN: Right.

REP. THOMPSON: -- and there are often services to prevent abuse or violence to the infant. And 95 percent of those who are offered that service accept it. And they are identified by an assessment of, you know, if there is a history. Secondly in the continuation of that system, you have a school based health centers who will see kids who come in everyday and some kids will come in with a black and blue

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

mark or something --

CHRISTOPHER DONOVAN: Yes.

REP. THOMPSON: -- and that will probably be if the school is on the ball, would be -- that child will probably be referred to the school nurse. But when you have a school based health center, it's probably an automatic. And we don't have those in everyone of our schools.

We have school based nurses hopefully. And that's another step in that direction. And then finally there are in the -- every community, there are or should be some type of public health service. Many of our communities including yours and mine have access to federally qualified health centers where people who do -- would not ordinarily be able to get to a doctor.

Who get a -- may go in unannounced and be seen.

CHRISTOPHER DONOVAN: Yes.

REP. THOMPSON: And they work very closely with the hospital. My -- my community for example is a frequent exchange so that people who do not require emergency service but show up at a hospital gets referred to the qualified health center. And then (inaudible) an internal record system.

So, I -- I hope that on your leadership that we will see some of this. And I -- I know Representative Flexer is a -- a big fan. We don't want to put her on the spot. But the federally qualified health centers. So, I hope that would be one of the major considerations because I see in the budget

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

recommendations we've seen so far.

There are threats to the federally qualified health centers. Although Washington is picking up the ball there.

CHRISTOPHER DONOVAN: Yes.

REP. THOMPSON: And there are other threats. And I don't think it's so much of people want to deny that service as they don't fully appreciate the service. And I think it's a valuable -- as you probably know. So.

CHRISTOPHER DONOVAN: Yes. I think you made a very good point, Representative. And especially with the nurturing families agencies which a lot of people don't know about it. Because they do such a good job. But it's people who -- who help new families and understand what it is to raise children, parenting skills, providing a lot of support.

There's one in my community. I've seen them in action. And they provided a much needed service for people who maybe do not understand the intricacies and the responsibilities of raising a family. And there -- there could be frustration one time. And these people can move right in. Provide those skills, support et cetera. Which can make thing a lot easier for everyone.

So, I think as we're moving forward on -- on the legislation before us, which can make some positive steps, we also shouldn't move backwards on some of these already established programs that have helped make our communities safer. So, very good point. Thank you, Representative.

SENATOR DOYLE: Thank you.

Any other comments?

Seeing none. Again I would just like to thank you Mr. Speaker for your leadership and vision. And Representative Fox said unfortunately since you created this task force, there's been some very unfortunate high publicity issues or examples of the domestic violence that really, you know, send home the message to all of us.

This is for important legislation. That being said, today we have nice public hearing. But we do have a lot of work to go before the end of this session to get this legislation followed through. So, as all of us to work hard to get it passed through -- to get it to the Governor's desk.

All right. And thank you. That's it.

CHRISTOPHER DONOVAN: Thank you.

SENATOR DOYLE: Thank you, Mr. Speaker.

Next speaker is Claudette Beaulieu then Lynda Munro, Michelle Cruz and Kevin Kane.  
Claudette.

Good morning, Claudette:

CLAUDETTE BEAULIEU: Good morning.

SENATOR DOYLE: Just a question. Do you have written testimony?

CLAUDETTE BEAULIEU: Yes.

SENATOR DOYLE: Was it -- should be submitted

say -- or could you tell me exactly how much money was in the marriage license surcharge account before any monies were distributed --

DORIAN LONG: There was approximately --

REP. FLEXER: -- this fiscal year?

DORIAN LONG: -- approximately 900,000 in one account. And we distributed 805,000.

REP. FLEXER: Thank you.

SENATOR DOYLE: Thank you.

Any other questions from committee members?

Seeing none, thank you very much.

The next speaker is Lynda Munro from the Judicial Branch.

Judge, sorry.

Sorry about that Judge.

JUDGE LYNDA MUNRO: Good morning.

Senator Doyle, Representative Lawlor,  
Representative Walker and distinguished  
members of the Judiciary and Human Services  
Committee. My name is Lynda Munro and I  
service the Judicial Branches Chief  
Administrative Judge for Family Matters.

SB368 SB446  
SB448 SB449  
HB5496 HB5497

I want to thank you all for the opportunity to appear before you to address several of the bills that are on today's agenda. Seated with me, if you please, is Steven Grant. He's the Director of Family Services Court Support Services Division at the Judicial Branch.

He is familiar with many of the specifics that you may have questions about. And so I invited him to join me and to be helpful in answering any inquiries that you may have. On behalf of the Judicial Branch I have offered written testimony in support of Senate Bills 368, 446 and 448 and in opposition to Senate Bill 449 and House Bill 5496.

We do have some minor concerns about the language in 446 and 448, but we are competent that those concerns can be addressed as the bill move along. So, if you see fit to -- to support those bills. I have also offered written testimony regarding both support for House Bill 5497 and concerns and objections regarding some select provisions in that bill.

I'm now going to offer you all comments on Senate Bills 448 and 449 and House Bills 5496 and 97 to highlight the matters that we in the Judicial Branch are concerned about and to offer some implementation suggestions.

Senate Bill 448, which is An Act Concerning Application For Relief From A Physical Abuse By A Family Or Household Member has clarifying language regarding civil restraining order applications.

In regard to this bill all that we are asking is that when you consider amendments in the bill, that you consider including language that would require the applicant's affidavit to be specific as to the incidents that occurred. When they occurred. And where they occurred.

Many domestic violence applicants would be aided by this guidance and the judge would

I'd like not to turn my attention to House Bill 5496, which is An Act Concerning Restraining Orders For The Protection Of Family Violence Victims In The Workplace. The Judicial Branch is concerned about the significant structural costs of this proposal.

The bill would permit employers to seek restraining orders on behalf of any employee who has suffered from unlawful violence or a credible threat of violence. It does not add employers to the restraining order statute. But instead it creates a parallel process for employers.

Implementing this new process would require the Judicial Branch to incur significant expenses to change forms, reprogram computer systems and modify the protective order registry. It has the potential for bringing a significant number of new cases into the court system.

And the Judicial Branch under the proposed bill would be required to pay for all the service of process in these cases. The Judicial Branch is not in a position to absorb these costs within our available resources.

In conclusion, therefore, we do urge the committee not to act favorably on this proposal. Now I would like to turn my attention lastly and importantly to House Bill 5497, An Act Concerning The Recommendations Of The Speaker Of The House Of Representatives Tax Force On Domestic Violence.

On behalf of the Judicial Branch, I do want to thank the speaker and the members of the Domestic Violence Task Force for addressing this troubling issue -- issues that are

implicit in domestic violence.

Indeed this is a pestulum that offends our basic notions of stability in our society and in our homes. The Judicial Branch has historically partnered with the Legislature in attempting to address issues that family violence both civilly and criminally.

Yet we know that recent events have shown us that there is still so much work that must be done. There is a growing trend toward volatile family and partner break ups. They often include highly charged and complex custody situations.

And we know that against this backdrop our state has recently experienced very troubling family violence hostage situations. And other extreme domestic violence crimes including fatalities. We are hopeful that the major portions of this bill will improve our states response to the tragedy of domestic violence.

First the information sharing provisions in this bill are key to our ability to fully respond to the risks that are attending in domestic violence crimes. Our family relations officers administer a reliable risk assessment tool which is able to score for lethality. It is able to assess risk and need for services.

Others should have access to the information gathered. Yet it is currently not allowed to be shared. We support the legislative initiative in this bill -- in this bill to provide for information sharing with other family relation counselors, supervisors, bail commissioners and supervised defendants on pre trial release in domestic violence cases.

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

And with probation officers supervising defendants who have been convicted of family violence crime and placed on probation. And under circumstances where a child is at a potential or serious risk from a defendant with DCF.

We would also ask that you expand the bill to include information sharing with juvenile probation officers. In light of the raise the age -- age legislation where we will now have a 16 year old charged in juvenile court, and a parent in the adult court, and also the additional challenges when the 17 year old cases migrate to the juvenile court.

If we have information sharing with juvenile probation officers, it will allow us to better coordinate cases for families in crisis through family services and juvenile probation. The other sections of House Bill 5497 that I would like to address now is electronic monitoring.

The bill presently provides for electronic monitoring that maybe ordered against respondents in civil restraining orders and defendants in certain criminal domestic violence cases. I understand from brief conversation that the electronic monitoring in civil restraining orders matters is not likely to be pursued.

But I'm ready to answer any questions about our concerns in that area if any representatives or senators remain interested in it. It is very problematic for a variety of reasons. And therefore not something that the Judicial Branch supports.

The bill does also provide for electronic monitoring on the criminal side. Where a judge deems it appropriate for defendants who had been charged with violation of a restraining order or protective order and where the intake program finds them to be of high risk.

We believe that this is feasible. We urge you to consider its implementation as a pilot program. Very few jurisdictions have utilized electronic monitoring to date as contemplated here. And we believe that there are some challenges to its proper implementation which needs to be addressed.

A pilot would allow us to do that. Attached to my written comments are costs of the program as best as we can estimate it at this time. A pilot of three jurisdictions for defendants who are deemed the highest risk would potentially cost \$140,160 annually.

After consultation with OPM we believe that this is something that can be managed through a grant. The costs increase dramatically if the net is increased to include lower risk defendants.

At this time, a program statewide for just the highest risk defendants has the potential cost of just shy of \$1.5 million annually. The monitoring program that we contemplate utilizing in our pilot program would use the commercial grade first alert GPS system.

I want to emphasize for you so that you know it, that this is not the highest grade of program available in the marketplace. We hope that it balances the importance of this service with the cost of the provision.

The First Alert GPS system contemplates the notification of a victim and police authority when a defendant has ventured into a prescribed zone. In summary we ask that if you act favorably on the portions of the bill for electronic monitoring in the criminal arena, that it be amended to provide for the Judicial Branch to implement a pilot program.

And we would request that the statutory implementation date be pushed to the earliest January 1, 2011 because of the challenges of this unique legislative initiative.

The last major portion of the bill, section 12 mandates domestic violence dockets to be established by the judicial branch in every district. The Judicial Branch wants to oppose this portion of the bill.

We have historically opposed any legislation requiring us to set up specialty dockets because they constrict the flexibility necessary for the chief court administrator to administer to all the many types of matters in all of our courts.

This is particularly true now. Ironically as well, our data shows us that there is no direct correlation between the existence of domestic violence dockets and recidivism rates. Recidivism rates in our courts statewide from the domestic violence dockets have range from our lowest rate statewide whether or not it's a domestic violence docket.

It's 7 percent to our highest rate of 20 percent including non domestic violence dockets. The Judicial Branch recognizes the

unique nature of the domestic violence cases. We are committed to doing all that we can to prevent further acts of violence.

We simply do not find that a mandate for domestic violence dockets which are resource intensive and in fact will require significant additional resources to be either effective or efficacious.

Our research does show us that the best course is to use evidence based interventions and programs that we have proven can work and do work, such as family violence education, the explore program and the evolve program. For all these reasons, we do urge the committee to delete section 12 from the bill.

I want to thank you for the opportunity to allow me to comment on these bills before you today. And Mr. Grant and I are happy to answer any of your questions.

Thank you.

SENATOR DOYLE: Thank you, Judge Munro.

Any questions?

Representative Lawlor.

REP. LAWLOR: Thanks, Mr. Chairman.

Good morning, Your Honor.

First of all I just want to say how grateful I am that you highlighted what I think we all need to be aware of as a very serious problem with regard to the judicial branch funding. I mean it makes it almost impossible to entertain any new initiatives, including such

and something that's significant as this one.

And I think you're aware that we're hoping to address that during the session at some point.

JUDGE LYNDA MUNRO: Yes.

REP. LAWLOR: But, without that all of this would probably be impossible. And I think it's important to keep that in mind. But the specific question I had relates to your testimony about the use of GPS systems to monitor defendants or persons who are convicted and on probation in family violence cases.

And -- and Judge Damian Andy was up here a few weeks ago in his own -- his own -- confirmation hearings. And we asked him some questions about the extent to which that's already happening. And he indicated it's not unusual for him at least to order as a special condition of release for pretrial defendant, to be either hooked up to GPS or electronic monitoring.

So I'm just -- want to get a better sense of the extent to which that's actually happening now? And what if anything would be changed if this bill was passed?

JUDGE LYNDA MUNRO: I can tell you that it's happening very rarely. And not on a broad basis right now. We have risk assessments in which we did a snapshot and Mr. Grant provided this information, a snapshot of what it would look like on one day -- just any given day, I think February 23rd, if we were to implement this.

Our highest risk assessment category on one

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

day is 171 defendants statewide. And if we were to include all risky defendants in domestic violence on a given day, the potential on that day is 389. So I think it's fair to say 400 defendants a day.

REP. LAWLOR: Risky meaning, medium risk?

JUDGE LYNDA MUNRO: Medium risk and up, yes.

REP. LAWLOR: So, your interpretation of the bill is that it would require you to put all these high and medium risk defendants on GPS?

JUDGE LYNDA MUNRO: Well the bill does provide for discretion in the judge. But in order for the judge to be able to intelligently exercise the discretion we would be looking at the screening done by the domestic violence screening instrument.

And those who score at 13 and above would all be appropriate candidates. And then you start getting into very difficult questions as to how to pick between them.

REP. LAWLOR: So, I guess the confusion I have is that it's my understanding under the existing law that non financial conditions of release including things like electronic monitoring are authorized? And it's always at the discretion of the judge to impose these conditions. The bail commissioners can recommend them.

The prosecutors can ask for them. But it's up to the judge to decide whether or not to do it. And so I guess my technical question is how do you -- how does this proposal -- if this bill became law, how would it change the existing authorization to do it already?

JUDGE LYNDA MUNRO: Well, as a practical matter we have the discretion but there's no form of formal program or infrastructure in place for it. So --

REP. LAWLOR: Well there is GPS for pre trial --

JUDGE LYNDA MUNRO: For sex offenders mostly.

REP. LAWLOR: But -- that's not a statutory requirement. That's just a choice that's made --

JUDGE LYNDA MUNRO: Right.

REP. LAWLOR: -- by judges. I mean it's not -- it's -- you've got the technology. You've got the legal authority to use it. And I'm -- I'm just wondering -- I guess this would add extra emphasis to that if it became law. But it doesn't change the legal ability to do it or not do it at all.

JUDGE LYNDA MUNRO: No. We don't have the -- I guess what I would put is we don't have a broad infrastructure in place with a First Alert Service or another vendor to be able to institutionally look at it as an option. And the bill says that this would be done at the cost of the defendants.

However, most of these defendants are likely not to be able to afford it. And so we have to look at it as a cost that potentially would be born by the Judicial Branch. In the pilot program that we're recommending, the grant monies that have been identified would allow us to set this up with a vendor so that we don't leave the Judicial Branch in the middle position of being forced to pay for something

that the budget does not allow for.

REP. LAWLOR: Okay.

Under existing law can you charge a defendant for the cost of his or her supervision? I mean can you take a pre trial defendant and say we're going to attach you to electronic monitoring and we're going to assess the cost to you of that? Is that allowed under the current law?

JUDGE LYNDA MUNRO: Do you want know something? I don't know that answer. But if Judge Clifford were sitting here, he would.

REP. LAWLOR: Yes.

I ask you -- is I think it is -- and I think these are important questions because the -- when we have the public policy debate here, if it's viewed as something new and the constitutionality or whatever is questionable that creates a different debate.

If it's -- if it's viewed as just a question of do you want to spend some additional money on supervising these high risk family violence offenders. It's a different debate. And I think the issue of can you do it has been resolved long since resolved.

It is done. It's just done not as much as I guess some people would like. So, I just wanted to emphasize and make sure that you agree with me that it's already possible to do. It's a non financial condition of release. Judges and -- judges can order it today.

I'm pretty sure you can order the defendants

to defray the cost. Because the alternative of course is to not be released.

JUDGE LYNDA MUNRO: Right. It -- it would make sense that you could.

REP. LAWLOR: Yes. So -- so, we're really talking about do we want to give the branch enough resources to expand what is already possible? I think -- that's the real issue here.

JUDGE LYNDA MUNRO: And -- and I agree with you that this is a legally acceptable thing to do. And we simply want to -- if we're going to do it and we want to do it right, and we want to do it in a way that it's sustainable.

REP. LAWLOR: Thanks, Your Honor.

SENATOR DOYLE: Thank you.

Any other questions?

Representative Fritz.

REP. FRITZ: Thank you, Mr. Chairman.

Have you looked into the vendors at all with regard to these GPS systems? Because in some of the research I did we were quoted that the GPS in Connecticut would cost us \$25 a day. Yet, in the documentation that I have from Massachusetts it only costs \$13 a day.

And they have the one where the victim is alerted as well. And I get the feeling you're really not whole heartily behind this GPS system at all beyond just the costs.

JUDGE LYNDA MUNRO: First I want to answer you're last comment and then I'm going to turn the

technical aspects over to Mr. Grant. I would tell you that Judicial Branch is wholeheartedly behind the option and the availability as a resource to the judges of the GPS modification system in the criminal arena.

We believe that it would be very useful for the judges. In fact, so that they can properly exercise their discretion to protect the victims while bail decisions are being made. So I want to give you that assurance.

As to the technical dollar question you raised, I'm going to defer to Mr. Grant.

STEVEN GRANT: So, we -- we've contacted two states and two counties that have experimented with this First Alert notion. And we also have met twice with our existing vendor to spec out what the cost would be. And the range that they gave us was between 22 and \$25 a day.

And that's tied to a couple of things. One is the purchasing of cell phones as well as the administration from that central unit to be able to provide the First Alert notice, not only to the victim, but also to -- to the police department.

So that simultaneously with the victim receiving the notification, the police department is -- is notified. So that's one less thing the victim has to think about in -- in the safety plan.

The GPS that Massachusetts used is technically not as sophisticated as what we're looking at in terms of cell phone coverage, towers and GPS satellite connections. So, we're pretty confident that of all the technology that's

out there -- although this is still a commercial grade, that what we're looking at is -- is providing the victim with the best opportunity to be safe in the market.

REP. FRITZ: And what about the restriction zones? Because on the Massachusetts it wasn't just the victim's home but it was the workplace and all other places where this victim might go and then be subsequently attacked again?

Is that included as well?

STEVEN GRANT: Yes. Absolutely. And that's another factor for -- for the slight increase in prices. That it would include more than just the home or -- or the (inaudible).

REP. FRITZ: Because I know Massachusetts does do that. They have the restricted zones.

STEVEN GRANT: It would include workplace environments or wherever else the judge and or the protective order so stated that there's an exclusion zone.

REP. FRITZ: All right.

Thank you.

JUDGE LYNDIA MUNRO: And I might add that when we identified the potential pilot areas, we're looking at both urban and somewhat rural environments so that we can make sure as we work on the post broad buffer zones, that it's workable under the technology in both kinds of environments.

REP. FRITZ: I just have one more question, please.

What would be the source of the grants and

what kind of grants would they be? And at the end of the day, what would they amount to? And how much would the cover?

STEVEN GRANT: There's a grant from the Office of Violence Against Women Act. And it currently has \$109,000 allocated for this year that we would be able to direct towards the pilot costs. And then we're hoping between collection fees and perhaps some other grant avenues we could make up the \$31,000 difference.

REP. FRITZ: Do you already have a fund set up in the Judicial Department that would capture that \$104,000 from the feds as well as any other grants that might come in?

STEVEN GRANT: We have an internal capacity to do that. We're currently working with OPM to be able to produce to the feds that we would be able to spend that money within their required time. So --

REP. FRITZ: And it would be --

STEVEN GRANT: -- it would just absorbed in a way.

REP. FRITZ: And it would be strictly relegated for GPS?

STEVEN GRANT: Yes.

REP. FRITZ: It wouldn't all of a sudden show up in the General Fund, right?

STEVEN GRANT: No.

Correct.

It would be specifically directed for that

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

purpose.

SENATOR DOYLE: Thank you.

Representative Flexer.

REP. FLEXER: Thank you, Mr. Chair.

Good morning.

I want to thank the Judicial Branch for all of your hard work and collaboration with the Domestic Violence Task Force on our proposals so far. And I just wanted to ask a -- a couple of questions about the -- the monitoring program.

We had talked in our meetings with the task force and the Judicial Branch about a \$25 a day fee that would be paid for by the defendant. Now how does that offset the cost? And how does it -- if that \$25 fees were not being paid, what would your estimates be for the cost of this program?

STEVEN GRANT: That's a great question. And that's actually one of the other reasons we would like to pilot this. Because as we're learning more about this from -- from neighboring states and counties, they're encountering -- encountering some difficulties with collection of fees.

Very often these offenders have child support orders, alimony orders, other orders of the court for personal property, expenditures that -- so, if we were to apply statutory fees to them, this now created a deviation criteria for child support?

And so we kind of wanted to understand that a

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

little bit better. The other thing we're understanding is the fiscal climate. We have a lot of folks out of work in Connecticut. And so, is it feasible to pass that -- that fee on. It may be. It may not be. We don't really -- we can't give you a quality estimate of what that collection fee would look like.

So the pilot will help advise us in that regard.

REP. FLEXER: And do you have jurisdiction in mind at this point? Because this is the first time hearing about the idea of doing it in only certain jurisdictions.

STEVEN GRANT: We -- we recommended Bridgeport, Hartford. The reason for Hartford is that the Hartford Police just got a federal grant to create a domestic violence special unit in the police department. And then we recommended Danielson because we wanted to have a rural area that we could understand some satellite issues.

We're going to have some cell phone issues. I mean -- as I'm starting to learn more about this I hear that technology does have some -- some issues that we'd be concerned about. We have begun meetings with the Connecticut Coalition Against Domestic Violence to be transparent about some of those issues.

We need to coordinate with the State's Attorney's Office, the local police departments. For this to be done in a meaningful way, it really is not just the technology. And our worry is that there was a false sense of security that that technology is the be all end all.

When -- when we are clear that it's not. It's helpful. It's a strong component to strengthen our response.

JUDGE LYNDA MUNRO: And that's why I raised the question about the implementation date just (inaudible). It's -- it's -- because the Judicial Branch is committed to this, we want to do it right. And there are some challenges to make it work as best as we can once it started. And we believe that the time we'll need to get it -- get it done.

REP. FLEXER: And -- and we will certainly take that recommendation very -- very seriously.

And the concerns about the -- which offenders would qualify for this program. So the language in the bill that describes the offenders as high risk, you don't think that that limits the program to the 171 offenders you described as opposed to the 400 medium to high risk offender?

JUDGE LYNDA MUNRO: The -- I --

REP. FLEXER: What can we do to strengthen that language? I guess is the question to make it more clear for you.

JUDGE LYNDA MUNRO: Well, one of the things I want to clarify for you and that might help you with it is on that snapshot date, those numbers that I read to you, were not just domestic violence crimes. They were defendants with a pending violation of protective order or violation of restraining order charge.

So they already meet the statutory criteria. They are the elevated individuals. And so at

the -- the instrument index in score of 13 or above, under the criteria of being established in the statute, we would be sort of erring on the side of ordering and monitoring for all families and (inaudible) that day.

Because all of those people meet the criteria. So, that's a -- that's clearly a cost problem. It's a -- it's a fiscal mote issue. And perhaps with running the pilot, we will be able to figure out our success in regard to the attachment pool of -- of all of them.

Or whether or not that's going to -- going to continue to be necessary.

REP. FLEXER: So do you have any data on the snapshot day that you picked February 23rd. How many offenders there were in Bridgeport, Hartford and Danielson?

JUDGE LYNDA MUNRO: Yes, I'll read them to you and then I'm going to defer to -- to Mr. Grant. The Bridgeport had 10. Being five above 13, four above 15, one of well, and one above 17. I'm sorry it's five. It's not cumulative. So it's five in Bridgeport that day. And Danielson was 25. And Hartford was 22.

REP. FLEXER: Thank you.

STEVEN GRANT: So, if I just might add to that?

What -- what we've also gained from other states and counties that have been using this is the selection criteria. That there needed to be some standardized way to -- to assess that. And so we figured we'd start with those folks that were charged with a violation of an order.

They've already shown the proclivity that that order is not going to modify their behavior. They're not going to respond to that court order. So then the next standard became within that grouping what were the highest risk to offend.

And that's the gradation of the -- the judgments on the records.

REP. FLEXER: Thank you.

Thank you very much.

Thank you, Mr. Chair.

SENATOR DOYLE: Thank you.

Representative Fox.

REP. FOX: Thank you, Mr. Chairman.

Good morning and thank you. I'd also like to extend my thanks to the Judicial Branch for your input in the bills so far. Judge Munro, Mr. Grant as well as Deb Fuller and Steven (inaudible) that you've done a very important job in making sure that we can identify how the legislation that we will hopefully pass, will actually work once it does pass.

And we of course, we all want to do something that's going to improve the system and not create any unintended mistakes or consequences. One of the things that we're trying to do in this legislation, is to clarify the terminology.

And a lot of times you see the term restraining order, the term protective order used interchangeably. And I know that legally

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

that's not the case. And what I was wondering, Judge Munro, if -- because I know you've also sat in Family Court. If you can just go through the process of a 46B-15, which is the civil restraining order? And how that works.

JUDGE LYNDA MUNRO: Actually I sit almost nothing but in family court. So I'd be happy to -- so an applicant comes to the courthouse and there's an office set up in every courthouse. Some of them are segregated as just a domestic violence office. Some of them are individuals working in the clerks office itself.

It provides them with an application for a restraining order. And the application form, it's in writing. And the individual who seeks the restraining order in the first instance will indicate who they want the restraining order against. And who they would like to have covered in the restraining order.

Often it's not just themselves. It may be also children or extended members of the family. And it also indicates what level of the restraining order they want. Whether they want simply someone who can't touch them or harass them. Or whether they want it more significance so that there could be no contact.

And some gradient in between. And whether they want to extend it to their pets or animals. Now, with that application form is a broad -- is a sheet with lines on it, which says to describe -- to write a statement as to why they believe they fear that they're in imminent danger of physical harm as the result of whatever the respondent person has said or done.

And we're asking you to ask them to state specifically what the incident was. When it happened. And where it happened. Almost like a journal as what, when, where. Because many folks who come in for an application of a restraining order are not only not familiar with the process but they're -- even if we tell them what the statutory standard is, which is the imminent danger, they're not quite sure what that means.

And so, some prompting without it being anything more than give us the specifics would be useful. Once that is done, it's sworn to under oath. It's an affidavit. And then it's presented to a judge in the courthouse. Typically a family -- the judge sitting family and if they're unavailable, another judge in the courthouse who looking at the four square of the paperwork.

In other words, everything written in the paper needs to determine whether there's probable cause that that individual -- and is in a position of imminent danger or harm. And if the judge so finds, they sign an order with a level of protection.

Remember I told you it could go from the level of simply no -- no hands on, no harassment or the like. Or full no contact order. And then indicate who it covers. And it is also given a hearing date, which is not more than 14 days later.

That -- those papers are then served at the cost of the Judicial Branch, by law of the Judicial Branch pays for that. And they're served upon the respondent. The paperwork also says and recites the law to the

respondent that they're not to have a revolver or firearm and the like. And that they're to turn them into the local police authority.

And the paperwork also says what criminal laws they would be violating if they violate the restraining order. Or if they violate the provisions around -- about having a fire arm. And it clearly lays out what the hearing date is for the respondent to come to court. And to be heard and that date within 14 days.

That's the process that brings to the court. On the day of court, if both sides have appeared, in other words the applicant and the respondent have appeared, the family relations officers who work in this branch division interview the parties individually, separate from each other.

We do not put them in the same room. To see whether there will be an agreement on the continuation of the restraining order. Restraining orders continue typically for the statutory period of 180 days. If there's an agreement, it's brought to the judge for that purpose.

If there's not an agreement, then the judge holds a hearing at that time as to whether or not the restraining order should continue. If the affidavit at the beginning part of the process, was not such that the judge believes an immediate order without notice to the respondent should issue, they'll still issue a notice for a hearing date for the applicant to be able to proceed with restraining order within the 14 days.

REP. FOX: Does everybody get a hearing when they submit an application? Whether the order is

granted or not?

JUDGE LYNDA MUNRO: I'm -- I'm going to say to you that the statutory language in regards to that is actually mildly ambiguous. But we have discussed among the judges of that (inaudible) family, that the better reading is to give the hearing to all individuals who apply, except in one instance.

And that is, we have broad experience that some police officers in an abundance of caution, send people who absolutely are not covered by the statute to the court for restraining order application. Unrelated neighbors have a neighbor dispute. And those people do not get a hearing because there's no way in the world -- there's no jurisdiction under the restraining orders statute.

But we do refer them back to the police department in -- in the event that there's something that maybe criminal going on.

REP. FOX: And the reason I ask that is because I have heard as well, that there maybe some ambiguity in the statute whether you have to have a hearing even if you didn't feel that judgment was warranted. And that they statutorily have to. And just to be clear, during the whole process that you just described, there's no arrest?

JUDGE LYNDA MUNRO: That's right.

REP. FOX: So this is the civil restraining order process. And I don't know if you or Mr. Grant wanted to get into the criminal protective order, which is -- where there is an arrest. And what the process is there.

JUDGE LYNDA MUNRO: Well, I can briefly describe it and then because thankfully all judges in Connecticut are suppose to understand all areas of the law. But as to the technical aspects, I'll defer to Mr. Grant.

When a defendant is arrested on a domestic violence crime, they come to court for their arraignment. And the --

REP. FOX: That's the next day? Just so --

JUDGE LYNDA MUNRO: -- that's the next day. Or the next business day.

REP. FOX: Yes.

JUDGE LYNDA MUNRO: That's right.

And the judge at the time of their arraignment, may be requested by the family relations person who has gone through the domestic violence screening instrument that I just described to you, may recommend that the judge issue a protective order.

Which is the criminal side of things. The criminal protective order. And I'm emphasizing it in your instance, which will provide that the defendant is restrained and prohibited from the prescribed conduct near the victim or victims. And it may be in the same gradient that I just described.

REP. FOX: And in violation of that criminal protective order, is a separate felony charge?

JUDGE LYNDA MUNRO: That's right.

REP. FOX: That could be brought against somebody in the event that they did violate that?

JUDGE LYNDA MUNRO: Yes.

REP. FOX: Now, with respect to the domestic violence dockets and the programs that -- that exist, and this is probably better directed to Mr. Grant. There was reference to the domestic violence education program as well as the evolve and the explore programs.

And I think it would be helpful if you could just describe what those programs are. What they do. And what they're intended to do.

STEVEN GRANT: The family violence educational program is primarily for first time offenders. It is a pre trial diversionary opportunity that is given to an offender provided that they don't commit a Class D or C felony or above.

And we actually have tremendous results that we're experiencing. For those that successfully complete the family violence educational program, 12 months out, only 15 percent of that cohort are being re-arrested.

So we're able to target through the use of this triage screening tool, those that are appropriate for that -- that -- that track. On the explorer and evolve side, those are program models that are used for the convicted population.

Explorers are 26 session, intensive cycle educational group that we're seeing that 65 percent that enter that group, successfully complete that. And if they successfully complete that over 90 percent are not re-arrested.

And much like when -- when my boss, Mr. Carbone, has been before you, the key is getting offenders the full dosage. And that's what (inaudible) based practice is about. When we can keep them in the program. Get them the full dosage. We have a good shot at modifying behavior.

The evolve, which is in three sites throughout the state, is our most intensive model. Is a 52 session for our very extreme high end offenders. And we're actually seeing tremendous results there as well. About 70 percent are completing that program, 69 percent.

And within that 83 percent that successfully complete are not re-arrested in subsequent to that. And that -- those last two cohorts I mentioned are 36 months out.

REP. FOX: You said 36 months out. You mean to get in to the program?

STEVEN GRANT: No, the -- the -- the re-arrest rates that are measured.

REP. FOX: Okay.

I know that there are some delays in the program. What do --

STEVEN GRANT: We do have long waiting lists.

REP. FOX: I know. Well that's one of the concerns you get too. Because if you're going to get people into the program, you want to get them in quickly. And can you talk about that a little bit. Because -- there's two things. One is how quickly can you get into the program? And also if you're in a court that

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

doesn't offer those programs, what can you do?  
Can somebody apply if they're willing to  
travel to any of the programs?

STEVEN GRANT: So, we actually have a pretty  
significant waiting list for the family  
violence education programs. And we do try to  
be creative and do some geographic juggling so  
to speak. But what we are seeing is for those  
folks that wait eight weeks or longer, they're  
recidivism rates jump substantially.

And in fact we -- we have just recently had  
140 clients waiting longer than eight weeks.  
And we know of those clients 35 percent have  
been re-arrested while they're on a waiting  
list. So it's -- it's very clear that these  
programs are -- the usage of these programs  
have jumped substantially.

Obviously with the case loads -- and we have  
not received the general appropriations since  
-- since 2002 for these programs.

REP. FOX: And if -- if the evolve or explore  
program -- if they're not available in the  
specific GA, can someone still make efforts to  
get into that program?

STEVEN GRANT: We have one available. Either one  
in either explore or evolve in the GA  
throughout the state.

REP. FOX: Okay.

So you can apply? And you can --

STEVEN GRANT: Yes.

REP. FOX: -- get into that program? Now, are  
these programs all -- do they all require

judicial discretion? Is there an application process that --

STEVEN GRANT: There's an application process. There's a notice to a victim. And ultimately there -- there does -- the judge needs to -- to approve the application.

REP. FOX: Okay.

For any -- any -- any one of those re-programs that you --

STEVEN GRANT: Goes through.

REP. FOX: Okay.

And Judge Munro, you mentioned the -- the provision in the proposed bill that deals with domestic violence dockets. And I've had a chance to speak with a lot of people whom I respect on both sides of this. Some who feel domestic violence dockets and the vertical prosecution that goes with it are essential.

And that's -- those are the key to really reducing these types of crimes throughout our state. And then there's others who say it's really not that much different as long as you can monitor cases closely.

Does the Judicial Branch have a position on the dockets themselves? Or is it the funding that is a big concern?

JUDGE LYNDA MUNRO: Well, there's two pieces to it. The funding is a big concern. And our experience with the docket and it's based upon research that Mr. Grant's office has done. Is that there is not a correlation between the existence of a domestic violence docket in lower recidivism.

Our highest recidivism rates are at 20 percent and that includes in jurisdictions with domestic violence dockets are lowest, at 7 percent, and that includes jurisdictions with domestic violence dockets. So the variables must be somewhere else.

So, we're not convinced that it's the -- that it's the cure all for -- for the problem. And instead since -- since instead -- since we are seeing, excuse me --

A VOICE: (Inaudible.)

JUDGE LYNDA MUNRO: -- yes. The success of the programs that -- that Mr. Grant just told you about is statewide. We feel that that's more a reliable indicator of what we can do to reduce the recidivism rate.

One of the problems you may have in having domestic violence dockets as in any other specialty docket is the model is very labor intensive. And that includes both. Within the Judicial Branch and Judicial Branch partners including in the community.

And if there is not an absolute fidelity with a model both in terms of the resources attending to it in human and fiscal terms, then it's not likely to be as -- as high as a success as elsewhere.

REP. FOX: Now when we talk about the dockets, there's 22 GAs and there's seven as I understand it, domestic violence dedicated dockets. And then there's one or two quasi domestic violence dockets. And in the seven that we're talking about, are we -- are they all defined the same way?

Do they follow the same model? The seven domestic violence dockets. Or do they vary themselves? Because one of the things I wonder is are we all defining domestic violence dockets the same way? Are we all looking for the same resources to go into each docket?

JUDGE LYNDA MUNRO: I think the vertical prosecution (inaudible) is consistent between the dockets. But the resource application is inconsistent.

REP. FOX: As I understand, at least the dockets that I'm familiar with, there's a victim advocate dedicated to that docket. There's a prosecutor, usually dedicated to that docket. They try to have a meeting. They do have a meeting the day before the docket.

Usually to say these are the cases to look out for. These are the ones -- these are the updates. I've spoken to the victims on this one et cetera. But if that's not happening in all the dockets, maybe we're looking at them differently.

And I don't know if there's a way define domestic violence dockets so that we could expand it. And that it would meet everyone's needs. I don't know if that's something that's being considered or talked about.

JUDGE LYNDA MUNRO: Well, I guess we haven't talked about it from -- from a variety of reasons. One because we are convinced that more resources into the programs administered through CSSD is likely to be far more feasible in terms of protecting victims.

And lowering recidivism. And these specialty dockets in our experience are very labor and resource intensive. And therefore, make it difficult for the branch to have full flexibility in it's administration of all it's responsibilities.

REP. FOX: Okay.

Well, thank you very much. And I'm sure we'll continue talking as we bring this bill forward.

SENATOR DOYLE: Thank you.

Representative Conway.

REP. CONWAY: Thank you, Mr. Chairman.

Judge Munro, Mr. Grant, a couple of follow up questions to Rep. Flexer's initial questions regarding the -- the payment. And I'm all for in support if we can get payment from -- from these individuals as we try to even within the Department of Correction for medical services and things. It's -- it's great.

I guess in -- in dealing with just separated families or divorced families on the outside, where you have child payments that aren't being made, day care payments that aren't being made. It's a very time consuming difficult process collecting even fees for their own children. Never mind for a GPS device that they have to.

So, while I fully support it. The reality and the time and effort and resources you put into the collection don't always equal. When you finally do get that dollar. And have you looked at what type of mechanism we put in

place to set up that collection process?

So that you ensure you get it. And if they do not, do they then get removed from the program? Or have we looked at other sources aside from, you know, funds from -- from the General Fund to support this?

Because it is absolutely a moot point the way we need to look. But the reality that we're going to actually be able to collect is --

STEVEN GRANT: This is one of the main reasons we're asking to pilot this process. Because the logistics that -- that you raise and some of the hurdles are -- are very, very real. And our -- again our conversations with -- with other states and counties that are employing this technology, they're struggling with -- with some of those same -- same issues.

We -- we have explored other funds. And in fact the lions share of -- of this pilot would be funded through -- through a federal grant, Violence Against Women's Act. In terms of projected ways to collect these fees, we would assume that that would be handled by our vendor.

Rather than creating another internal state infrastructure. Which as you point out, may -- may not yield the -- the benefits that -- that we had hoped. So, in addition to the -- the technology center -- center are handling the GPS First Alert.

We would also ask them to -- to be our agent to collect these. Our experience our sex offenders who are on GPS, which is roughly about 60 a day right now, is that they are

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

contributing minimum -- minimal fields --  
minimal monies and fiscal numeration.

I would just say though that that's not an  
apple to apple population. Because most of  
those folks have recently re-entered from --  
from prison. Where as we think the domestic  
violence population -- we're hoping would be  
mostly employed.

REP. CONWAY: And were we using -- are we looking  
at criteria of those that we even initially  
try and collect from in terms of -- obviously  
an intake process that they go through. But  
one of the criteria being are you employed?  
Are we looking at attaching wages?

Are we -- in terms of collection or --

STEVEN GRANT: We have -- we haven't gotten that  
far down the road.

REP. CONWAY: Just a follow up, if I can, Mr.  
Chairman?

You mentioned that of those that are in an  
intensive program, 65 percent completed that  
program. And of that 90 percent did not  
recidivate, which is a great number. Of the  
remaining percent that didn't complete it, do  
we know what they're recidivism rate is?

You had about 35 that did not complete it.  
And then what the recidivism rate was about 35  
percent.

STEVEN GRANT: I don't have that number. But I can  
report back to the committee.

REP. CONWAY: Thank you.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 6  
1698 – 2042**

**2010**

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

Thank you, Mr. Grant.

Thank you, Mr. Chairman.

SENATOR DOYLE: Thank you.

Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

I'd like to cover three topics. The first with regard to the GPS systems. I agree with Representative Conway and I think he made the statement as well that most of these individuals are likely to be in the workplace. And it seems to me that if many of them are already paying some kind of support, whether it's spousal support or child support, it should be fairly easy to have an add on to fund the GPS system.

And I'm wondering if you agree with that?

STEVEN GRANT: It would be speculation on that part. That's -- that's the whole point of wanting to pilot this.

JUDGE LYNDIA MUNRO: It -- it's sort of complicated because there's a maximum amount you can take off from someone's wages before you violate law. In fact, DSS has testified as to the complicated formula in prior testimony. And then it also becomes complicated because the first obligation is to pay for the -- the court ordered mandated monitoring.

Then it may trigger modifications in child support orders as a result of less dollars available for the calculation. We simply don't know right now. And we need to take some time to put that together in -- in a

proper predictable way. So that there is a more positive result in collection.

REP. BARAM: Is -- is there also a mechanism for fine tuning the rating system of who might be the most violent abusers so that we can reduce the definition of who might qualify for the GPS system? So that perhaps as an initial implementation factor, we -- we'd have a smaller population of people that were looking for GPS?

STEVEN GRANT: That -- that's exactly what we're proposal -- proposing. Those folks that have been have a family violence case pending have been charged with a violation of a protective order or a restraining order, so they've already shown and demonstrated that they're -- they're not going to change their behavior.

They're not going to honor that court order. And then within that subset, we are targeting and recommending the highest risk to re-offend of those that have already violated a protective order.

REP. BARAM: I -- I think that would be very worth while. The second issue is the dockets. And as Representative Fox indicated, I think when you give us statistics on recidivism, that there's somewhat suspect if we don't have consistency in the existing domestic violence dockets.

And the resources that are available. I know in testimony to the task force, one of the persuasive renditions that were -- were made had to do with the fact that the judges don't have enough time or resources to identify some of these more egregious cases.

And that if we had these specialized dockets, we could identify the more potentially violent cases, number one. And number two, provide greater assistance to the victims so that they can navigate, you know, the bureaucracy particularly if they don't have an attorney representing them.

And I'm wondering rather than opposing them carte blanche, whether or not another approach might be to set up a very well defined definition of what the docket should consist of. And start providing those kinds of resources to see if in fact we can intervene and prevent some of these horrific disasters that are occurring.

JUDGE LYNDA MUNRO: I -- if you're inclined to support the notion in -- in the bill for domestic violence dockets statewide, certainly a more specific definition of what is involved in the contribution towards the vertical prosecution by all of the players both in the judicial branch and -- in the community would be essential.

Here are some of our concerns in regard to that. However, the notion of sending the docket up statewide. When domestic violence dockets were first implemented and set up, there was a federal financial support for their implementation.

And that does not continue in a way that would support the broad view system of domestic violence dockets statewide. They are very labor and therefore cost intensive. And we simply are not in the position to do that right now. And I -- I'm sorry that the statistics sound suspect.

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

But indeed they are not. What I think that they evidence is that there are other factors that come into play into the successful handling district wide of particular domestic violence dockets. Whether they're integrated into the whole criminal docket. Or segregated onto themselves.

And a lot of that has to do with the availability of resources or the -- for the defendant as well as the well trained and comprehensive application of services for the victim. Less than the docket itself. That's -- that's what it appears to us. But, I leave that to your wisdom.

REP. BARAM: I -- I appreciate what you're saying and I know that the judicial system has opposed the specialized dockets. But some of the compelling testimony to the task force is that I think one third of all criminal dockets involve domestic violence situations.

I think that in of itself justifies creating or acknowledging that there's a real problem that we have in this state. And that we need to do something about it. The last subject I wanted to ask you about is House Bill 5496, which extends the right to an employer to seek the restraining order for and on behalf of an employee who is subject to domestic violence.

And some personal experience that -- that I had in my law office many, many years ago, we had a secretary working for us who was in a relationship where her boyfriend came to the office with a sledgehammer. And bashed her car. And sent letters to other employees in the -- in the office detailing his relationship and making certain insinuations or threats.

REP. THOMPSON: Good afternoon.

Thank you very much for your testimony.

I'm very concerned about the recidivism rate as being the touch tone as to whether or not our program is succeeding. And I guess you have given us some evidence that some of the programs you have initiated are successful. But I think you mentioned -- I'm sorry. (Inaudible.)

HB5497

Mentioned that some of the money for this kind of intervention has not been increased since day one, I guess. And I'm wondering some years ago, we had a -- learned of a program in Hawaii, it's called the Healthy Families Program. And they were concerned with the high incidents of abuse and neglect of first born children.

And they adopted a -- what was a home visitation model, heavy emphasis on getting involved with the family and so on. And tracking them. As a result they reduced almost entirely the abuse and neglect of first born. So, thinking a trip to Hawaii might be boredom. You need contact in Hawaii.

And we got back information that the person who created the program, public health nurses employed by the Hawaii Health Department. One of them was coming to Rhode Island for a conference in a few weeks. So a group of us went over and met with her.

And out of that meeting came one, the creation of the Healthy Family Program in our state. And the second part of it was that the creation of the Child Advocate Program.

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

Because the child advocate from Rhode Island was there at the time. And impressed the people who went.

So we gained the program. And it has spread from two hospitals to all 29 birthing hospitals in our state. And it has reduced the incidents of abuse and neglect for first born children, that's unlimited target. But none the less, it's practically zero.

And it was very successful. So, following up that, we also had a -- we were very impressed by the child care system in France. And we're in communication with the French American Foundation.

I'll get to the point, Chairman.

Well, in any event they came in. And if there was one all providing -- personally all that could reluctantly born in France because they had a universal health care system. And the child in the family was the center of that.

I'm wondering and have us relate in ways to what we're doing here. You folks are dealing with damaged goods all the time, I guess. And trying to cut out that there's no further damage. I wonder in looking at France, who has the America -- the number one health care system in the world according to the World Health Organization.

And it's a fraction of the cost of what we're paying for health care in this country. And yet we have -- well doctor -- saying goodbye to Harvard graduates, farewell address, mention one of the responsibilities they had was to get back to their communities and ensure the same interest and dynamic

involvement in the communities as they did here in -- in Cambridge while they were studying.

And he used as an example there was I think at that time, 16 million uninsured Americans in -- and that was 1992. Now we have almost 50 million uninsured Americans. And we have a lot more we don't get in even when they are insured.

So there's something wrong with that. But the -- the -- what brings me to this all this, listening to you this morning is that it seems there is something wrong, broken in our society. And I want to link it to the health care system which is so impersonal, so involved with families.

And you're saying the same thing as you get involved with people who have already committed some violence against the -- a woman or against a family. Is there anything at all that you know in the cost, the land, and maybe you get to travel in judicial systems that have noticed this type of failure in our culture?

Do you really get involved with the health care and welfare of the family right from day one? That that has been bought out in French judicial system or somewhere else. And I know that's a kind of reaching challenge.

But if there is anything that you know -- where you've done your reading as a result of the work you're doing, that might be helpful to us in looking at other answers to this problem of domestic violence.

JUDGE LYNDIA MUNRO: It's a lot to think about. You

## HUMAN SERVICES COMMITTEE

are clearly talking about prevention and reaching families before the reach crisis. The health system may be -- health care system may be a way to accomplish it. Clearly the educational system is key.

And when I do read literature or go to conferences dealing with families in crisis, more of the attention is being -- being put on the educational resources and trying to stop cycles. So that as children grow up they have other models for behavior.

To think about how to integrate that into the health system would be challenging and invigorating. There are -- there are studies out of the folks in Cambridge that indicate that exposure to domestic violence for babies and children results in physical trauma to the brain developments.

And as tragic as that is, in my mind I'm thinking perhaps that provides an opportunity to reach out to these families through the health (inaudible). I -- I can't tell you at the moment that any other jurisdiction in my mind has figured out a better way.

But if I come across literature on it, I'm going to send it to you.

SENATOR DOYLE: Is that it, Representative Thompson?

REP. THOMPSON: Yes.

SENATOR DOYLE: Thank you.

Representative Cook.

REP. COOK: Thank you, Mr. Chair.

Good afternoon.

Thank you for your information and sitting here with us. And providing more and more detail. I have a question regarding -- you had said that the high risk potential for the pilot program in GPS would be 140,000 annually? 140,160 to be specific. Could you tell me in -- to the best that you can, what that \$140,160 would cover?

JUDGE LYNDA MUNRO: We both have the same sheet. But since you Mr. Grant did the research, I'm going to defer to him on it.

STEVEN GRANT: Yes, I can tell you. That would cover the purchasing of the equipment, the oversight from a centralized vendor, the notification to the police department, the notification to the victim. It provides cell phones.

What we're hearing from our colleagues in other states and counties is that they underestimated how many cell phones they would have to purchase both for the offender as well as the victim. The other thing that it would cover is the notification to the support -- support services division.

And the fee collection infrastructure that we had previously talked about.

REP. COOK: And out of that \$140,160, how many people are you assuming -- I mean and I understand that it -- it fluxes from day to day that we would be able to cover or service with that money?

STEVEN GRANT: 16 a day, per day for -- for 352

days.

REP. COOK: So only 16 GPS monitoring individuals

--

STEVEN GRANT: Right.

REP. COOK: -- would be able to be covered out of that \$140,000?

JUDGE LYNDA MUNRO: What that number represents is the scoring of the highest level. And when I had recited to you before remember there are other individuals who qualify under the provision of their charge or violation of the restraining order or protective order.

But that's both the score of the highest (inaudible) in the jurisdictions.

STEVEN GRANT: But that's a balance that run again every day of the year.

REP. COOK: You had mentioned that of the one -- that February 23rd there was 171 out of one day of the -- of the highest of risks?

STEVEN GRANT: That's correct.

JUDGE LYNDA MUNRO: Yes, statewide.

REP. COOK: So you're saying that this would only cover 16 of those 171 statewide?

STEVEN GRANT: Correct. That's correct. And it would cover 100 percent of all those in the three pilot jurisdictions that we recommended.

REP. COOK: So if my quick math is right, that's about \$8700 per person?

JUDGE LYNDA MUNRO: Over a year.

REP. COOK: Over a year?

Okay.

Thank you very much.

SENATOR DOYLE: Thank you.

Any other questions from committee members?

Seeing none, thank you very much. Thank you for your patience with our committee members and their questions.

Thank you.

At this point in time we are going to start alternating between public and agency heads. And I'll just tell the public that that took a long time because a lot of our colleagues had questions. We're sorry. And we'd like to have you bear with us.

Now we're going to go to the public list. And the public again will speak for three minutes. And at the bell, I would ask you to please try to summarize. And at this point I'm going to use my discretion. I'm going to have one person come up first.

First speaker would be Mary-Ann Langton from Council on Developmental Disabilities. Then after Mary-Ann, would be Michelle Cruz out of the Office of Victim Advocate. And then Robin Shapiro.

So, Mary-Ann.

MARY-ANN LANGTON: (Inaudible.)

MICHELLE CRUZ: Good afternoon, Senator Doyle, and distinguished Members of the Judiciary and Human Services Committees. For the record, my name is Michelle Cruz, and I'm the State of Connecticut Victim Advocate.

Thank you for the opportunity to provide testimony on several of the raised bills. Specifically I'll be providing testimony today on Raised Bill 448, Raised Bill 5496 and also Raised Bill 5497.

I have submitted lengthy testimony, so I'm just going to summarize some of the key points and some of my thoughts about the proposed legislation.

I just want to start with domestic violence is not a cause or an issue. Despite of what others may say, we are not seeing a rash of domestic violence cases lately, but rather we're seeing for the first time for some of us that domestic violence is present in our state and the level it is present in our state and across the nation.

Only by the media's recent coverage of domestic violence victims' lives and their tragic deaths have we been able to now begin to acknowledge this sad reality as a fact. Domestic violence is and has been an epidemic in Connecticut and across the nation. The actual number of domestic violence victims who suffer daily is astounding, and yet we may not hear their stories unless and until they become another fatality in our state.

I applaud the efforts of the Speaker's Task Force on Domestic Violence and appreciate the recommendations they have made on behalf of domestic violence victims.

When it comes to domestic violence, we must have an united front founded on zero tolerance for domestic violence and a unified state-wide response.

Specifically, with Sections 1, 2 and 3 of Raised Bill 5497, the Office of Victim Advocate supports the cross-sharing of information. This particular section allows the courts the ability to adequately advocate for victims of domestic violence by arming the appropriate persons with the necessary information to determine both whether a protective order, restraining order, bail bond and sentences are appropriate and to what level.

I would ask the Committees to consider expanding the coordinated community response by encouraging what is called STOP teams throughout the state with providing proper funding. I will point out that so far as I know -- and there's probably other police departments and communities doing this -- West Haven and Hartford have been partnering with some of the local communities including the Four Seas and Interval House to work on domestic violence cases as a team.

One of the STOP teams I was notified the other day had an incident in Springfield, Massachusetts, and I'll share with you just the ability they have to respond to domestic violence.

There was a high-risk offender who was identified through a danger assessment, and he was -- he had escaped from one of the facilities in Springfield, Massachusetts. What happened was there was a phone tree that

had been created, and in response to situations like this, and within 30 minutes the victim was notified, found and she had a bed in one of the shelters in the town.

And, that was through coordination between the court-based advocate, the police department, what is there the sheriff -- what would here be the Department of Corrections. This was a united front to make sure that this particular victim who had been identified as having a severe risk to this particular offender was notified, found and put in a place where she was safe, and this all happened within 30 minutes.

I think Connecticut is in the beginning of doing this, and as I mentioned, West Haven and Hartford are starting this process with the connection of the programs in those areas including Interval House and the Four Seasons, the New Haven shelter.

In addition, Sections 1, 2 and 3 talk about GPS, which is an important tool to ending domestic violence murders in the state. GPS, however, is only safe if the actual tracking device is appropriate.

Currently what we have is we have a passive system for GPS. What that means is that the system is placed on an offender, and if the offender goes into a hot zone, there will be a notification the next day that that parole or probation officer will notify and then respond to.

The GPS tracking that we're talking about that would save lives of domestic violence victims is an active system. I would suggest that it needs to be satellite and cell tower based as

Steve Grant mentioned. In addition, there have to be 24-hour staff to respond to a notice that that particular hot zone for that victim was breached. There would have to be a danger assessment to identify those offenders who this particular monitoring device would be appropriate and, in addition, there would need to be staff to go out to make sure that those hot zones were actually going to report a positive reading so that the victim can know that she or he is safe.

I understand this costs money, and I understand that there's a -- there's going to be a fiscal tie to this particular GPS system that I'm recommending. However, I think it's imperative for those offenders who haven't been ratcheted up to being incarcerated but are still going to be in our community that they be supervised in this additional way with a GPS monitor.

With regard to Section 10, I support the name change. It's logical and it makes sense. It makes the order clear from a standing restraining order to a standing protective order. I think that it makes clear for victims what that particular order is and it comes from the criminal court. It is the only order in this state that is essentially a life-time order.

In addition, I would encourage the Committee to consider also providing family court judges the discretion in certain cases where the circumstances have been presented to extend a restraining order for a year as opposed to the six-month period. There are a number of cases where the victim comes back every six months, time and again, to ask for an extension. In those cases, I think it's appropriate for the

judge to be allowed upon hearing the certain facts and circumstances to extend those restraining orders for a year period.

With regard to Section 12, domestic violence dockets across the state, it takes a special prosecutor and a special judge to hear these cases day after day. It takes a special trained prosecutor to understand and appreciate the level of danger to these particular victims. In addition, it takes a special prosecutor to understand what is needed to try to rehabilitate these offenders.

And, in order for us to do that, to really take advantage of the prosecutors who are trained and who are especially positioned to answer to domestic violence, a docket that is specialized in domestic violence is really appropriate. This would allow the judges and the prosecutors and the staff to have specialized training. This would also allow the appropriate sentences, protective orders and other conditions of release, and also conditions of sentencing to not only better protect the victim, but also to better treat the batterer.

In addition, I would support some of the concerns we have about the consistency of these current courts. We have seven of them in the state, and each one handles a different type of case. Some of them handle more minor domestic violence cases; others of them handle the more serious cases.

I would suggest that we make a state-wide commitment to handling a certain type of case, either all of the domestic violence cases or certain types, either serious or minor, so that we have a consistent response across the

## HUMAN SERVICES COMMITTEE

state in the domestic violence dockets.

In addition, I have several other suggestions I would ask the Committee to think about when they're looking at legislation for the future from either the next session or in the future from here. One of them is the family violence education program.

Connecticut is one of the few states that allows a DV offender to obtain a diversion essentially for domestic violence. If we are committed to doing this, I would suggest that we make sure that this is a first-time offender only. Although that is the way the statute is written, in practice what happens is a domestic violence offender -- and we've heard this numerous times from the Office of Victim Advocate -- will come in, and they'll be determined to have maybe an alcohol problem or they'll need counseling, so they'll get a pre-trial probation for a period of time, the case will be disposed of and dismissed, and by the third or fourth time that particular offender will receive a family violation education program.

By that time, we've pretty much taught that offender that we are going to be taking the domestic violence seriously, and we've given them two or three bites of the apple. This program in order to be effective, the family violation education program needs to be applied to the first-time offender only.

In addition, I would also ask that we look at the way we enforce the protective orders which are available for stopping harassment in domestic violence and sexual assault cases to the criminal court and restraining orders which are available for family violence cases.

One of the things that has happened is that when a victim comes to the police station and says there has been a violation of the restraining order, the police department actually needs a hard copy of that restraining order. It is not enough, unfortunately, for the victim to have the hard copy. They actually need the other police department where either the victim resides or works to fax over a copy.

So, let's say a victim is visiting Hartford but lives in Vernon and works in Tolland. If she comes in to the Hartford police department and says there's a violation of the restraining order, protective order, she's going to need to have that order actually faxed over to that police department before they can respond.

This seems like it would be something that would take up two minutes, but in reality it delays the response the police have in responding to domestic violence.

In addition, victims are told that if they have the order with them in their hands, the police will respond, but that's not necessarily true, and that's not the practice in Connecticut.

I would ask that we revise that particular practice either through legislation or policy so that the police can look at the last date that that order was updated, check it with the victim's copy, and if they're consistent, they'll respond to the violation.

In addition, I would ask that the Committee also look at the statute for violating protective and restraining orders to prohibit

the practice of charging the protected person, the victim, with conspiracy to violate the protective order. Legally, this is an impossibility. In order to violate a protective order, you have to be on notice that there are certain liberties that you cannot take any more because you are a batterer and, secondly, there's a process that goes through this.

To charge a victim with violating their own protective order because he or she is within the accompaniment of the offender or because there's not a phone call has a chilling effect on future victims and also now victims.

I'd ask that the statute be clear because this is not the way to the answer, an issue with a protective or restraining order.

I just want to end and just say again that I applaud the efforts of the Speaker's Task Force on Domestic Violence, and I appreciate the recommendations that have been made. I understand you've done a lot of work and there's been a lot of thought put in on this and a lot of feed-back. This is not an issue, this is an epidemic, and I just appreciate the time that I've been able to speak and give my feed-back on this particular issue, and I will answer any questions you may have.

SENATOR DOYLE: Thank you, Ms. Cruz. Any questions? Representative Lawlor?

REP. LAWLOR: Thanks, Mr. Chairman. Good afternoon, Attorney Cruz.

I just had a question. It seems like a lot of the problem just has to do with reaching out

to victims, keeping them up-to-date on what's going on, and if anybody violates a condition of the restraining order, protective order, whatever, make sure they know about it so they can take precautions.

And I know that two years ago, the Legislature as part of the post-Cheshire reforms required that an automated victim notification system be put in place I think by October of that year, actually, 2008. So, it's March 2010.

What's the status of that at the moment?

MICHELLE CRUZ: I believe that it's supposed to be part of the actual automated notification system that's supposed to be in place sometime either this summer or in the fall, but it's not a perfect system either. It's what -- what the Office of Victim Advocate would like is that if all stages of the notification every single court date is provided to the victim and, in addition -- and this is not exactly what you're asking -- but one of the things that I think that Connecticut needs to look at is right now we're an opt-in system, meaning that if a victim of a crime wants to participate in the system, they have to write a letter to the prosecutor and notify them and have that in the file with their address.

We're one of the few states that actually have that opt-in system, so the victim not only has to be part of this horrific crime, but now they have to take this onus on them to be within the system, and then afterwards if they want to be notified of whether or not their offender is released or -- released from either incarceration or pre-trial, they also have to provide notification and register for that.

I would ask that we look also at the opt-in system.

REP. LAWLOR: Isn't that the whole point between the buy-in system in order to have one centralized place that you notify people once and then you constantly get updates? Isn't that the whole point?

MICHELLE CRUZ: That is the whole point, but I'm saying that in Connecticut, you have to first opt in. Many states, you're automatically in unless you opt out, so there's a difference.

REP. LAWLOR: Well, I mean, as you I'm sure know, in a lot of cases, it's hard to figure out who's actually the victim, how many victims, you know. Some of the victims are the bad guys sometimes like in gang shootings and stuff like that. So, how would you determine who the victims are in all these cases, just send notice to everybody in the police report?

MICHELLE CRUZ: Well, personally in order to prosecute a case, you need to be able to know who your victims are, so by the time it hits the prosecutor's office, you're going to have to be able to either have those victims present or look at whether or not you can go forward with your case.

So, by the time it hits the prosecutor's office, I'm assuming there would be some communication with those victims. If those victims aren't found, well, then, early on we'd want to know that, and most of the time the police report would contain victim information as to where the victims are located, what their address is; you'd send a notification out, and at least then you know

whether or not those victims are, one, available to testify later and, two, make sure that they're included in the process.

REP. LAWLOR: I don't know. I just -- I've read a lot of police reports. Sometimes it's just -- there's a lot of witnesses, individuals identified. They may not necessarily say this is the victim, this is just a witness, or whatever. I just -- who would determine to whom to send the notices then? (Inaudible.)

MICHELLE CRUZ: Well, in -- from my experience, Massachusetts is the automatic notice state. You don't have to opt in. So, what would happen is the victim advocates -- which they have a lot more victim advocates at the time than we do in Connecticut -- they would provide letters to all persons named as victims, and by reading the fact pattern, they could figure out who the victim was. Then if someone did not want to be notified, they could tell the advocate, "I don't want to be part of this case any more," and then they wouldn't receive notification.

REP. LAWLOR: So who makes the -- so somebody has to make the decision of who in here is actually a victim, and that would be the victim advocate in Massachusetts?

MICHELLE CRUZ: In Massachusetts, it would be the victim advocate. I think in Connecticut it would have to be the prosecutor because you don't have enough victim advocates. We have one in the G.A. and one in the J.D. across the state.

REP. LAWLOR: How does it work in Massachusetts? Do the victim advocates work for the judicial branch?

MICHELLE CRUZ: No. They're within the prosecutor's office.

REP. LAWLOR: Is that something that you support for Connecticut, putting all this into the prosecutor's offices?

MICHELLE CRUZ: What I support in Connecticut is more victim advocates, period. Whether they're in judicial or the prosecutor's office I think is really -- there's pros and cons to both, but I think that having one for the G.A. and one for the J.D. Court-based victim advocates just isn't sufficient and especially because those victim advocates only cover -- they only cover physical injury cases, so that does not include burglary, robbery, home invasion when there's no physical injury and arson, so those cases you don't actually technically get a victim advocate.

REP. LAWLOR: In Massachusetts, does the automatic notification extend to every single crime regardless of violent, non-violent --

MICHELLE CRUZ: Exactly.

REP. LAWLOR: -- shop-lifting cases?

MICHELLE CRUZ: Well, shop-lifting, the store would be notified through a letter saying that, you know, this case is being prosecuted, is there any restitution out there.

REP. LAWLOR: All right. Thanks.

SENATOR DOYLE: Representative Jarmoc?

REP. JARMOC: Good morning. How are you?

MICHELLE CRUZ: Fine.

REP. JARMOC: I just have a question. I sat on a task force, I guess actually, with the executive director of the Enfield-based domestic violence program, and about a week and a half ago, I hosted with Representative Sayers, who also sat on the task force, a round table at Asnuntuck Community College, and there was an interesting recommendation that I've heard now for the second time, so I'm looking for your input on that.

When a perpetrator violates a protective order, rather than allow that person to be released if they are arrested, to keep that person in jail overnight until the following morning's court date, and in light of some of the incidents recently that have happened in our state, I'm just looking for -- do you have any opinion on that?

MICHELLE CRUZ: Well, I have an opinion as to strict enforcement of restraining or protective orders, and the reason why I say strict enforcement is because restraining or protective orders are a unique charge. First, there's notice on the offenders certain behaviors will not be tolerated and, secondly, there's a viable threat against a named person, so once someone violates one of those restraining orders, we know that they've won, and they're not going to follow the court and, two, that there's a threat.

And so I would say that in practice, that sounds like a pretty good idea. The only thing is I also know that some of the police departments don't have a lock-up facility, so we'd have to do -- we'd have to do a query to find out which police departments this may

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

pose a problem for. Some police departments, as I understand it, don't have enough staff to watch a prisoner, and so I think that the solution is something about making sure that those offenders who are violating protective orders, there's a swift, immediate response, and if that requires someone being brought in, booked and then either released with the opportunity for a high bond or bail or held overnight until they can be addressed in the court, I think that's a pretty good response.

REP. JARMOC: All right. That's helpful. Thank you.

SENATOR DOYLE: Representative Fox?

REP. FOX: Thank you, Mr. Chairman, and thank you, Attorney Cruz.

I have a question because one of the provisions in here calls for the formation of domestic violence dockets throughout the state, and you're uniquely positioned to maybe give your opinion because you represent victims throughout the state currently.

And, do you notice differences when there's a domestic violence docket in that court district or not, or would you notice differences as you represent victims throughout the state?

MICHELLE CRUZ: Well, what I can tell you is that victims who experience a DV docket have the opportunity to meet with a judge or prosecutor and staff who are specially trained to handle domestic violence cases. That may not always be the case, but there's an opportunity there to take a case that is -- and domestic violence is very different than any other

charge because there's so many other -- so many other aspects to it. It's not just such as a crime. There's so much other -- so many different components to it.

But, with the domestic violence docket, there is the ability for the prosecutor to vertically prosecute beginning to end, for the court to understand that there are certain needs for the victim as well as the batterer, and there's a certain recognized ability for the court to fashion a sentence that would both protect the victim and also potentially treat the offender.

And, so, I think that there's a potential there. I don't know that we always reach it, but I think there's a potential there.

REP. FOX: And just so if a crime occurs in a district that does not have a DV docket, do you have to handle that differently? Do you have to perhaps send letters to each prosecutor as opposed to just the one handling the DV docket, something like that?

MICHELLE CRUZ: Definitely. When there's a crime occurring and there's no DV docket and the case is not -- for whatever reason there's no vertical prosecution, what happens is from day to day we won't know who the prosecutor is, and the victim also feels that they keep telling their story over and over again. That's true for all crime victims, but with domestic violence with the potential threat of legality, there's extra need for vertical prosecution and for one prosecutor to handle that case, and that was really apparent with the Magnano case that we did the investigative report on. The police and the prosecutor didn't streamline that case, and so there was

friction between three different types of offenses, but it all involved the same parties.

And so if someone is dealing with a domestic violence situation, having all their cases in one place with one prosecutor who knows the whole story, that's going to in the end have a result that's going to identify the threat and all the issues going on with that particular family.

REP. FOX: Okay. Thank you very much.

SENATOR DOYLE: Thank you. Any other comments from Committee members? Seeing none, thank you very much.

MICHELLE CRUZ: Thank you.

SENATOR DOYLE: As I said, we're alternating between public and department heads. The next person is Robin Shapiro.

I'd just like to point out that a lot of Legislators are coming and going because there's a Committee's meeting in Transportation and in Finance, so, you know, the Legislators are in their offices listening and also let's say they'll read the testimony later.

So, at this point, Robin Shapiro. After Ms. Shapiro will be Kevin Kane, Patricia Froehlich and then Kathy Emmett.

ROBIN SHAPIRO: Good morning, Senator McDonald, Representative Lawlor, Senator Doyle and Representative Walker, Members of the Judiciary Committee and Human Services, and Representative Fox. Thank you again for the

HB5496

ROBIN SHAPIRO: Thank you.

SENATOR DOYLE: Thank you.

Any other questions for Ms. Shapiro? Seeing none, thank you very much.

I'm going to use my Chairman's prerogative and ask Ms. Hill and her son to come in and testify, if you could just bear with me for a moment.

(Pause.)

SENATOR DOYLE: Ms. Hill, come to the center where the chair is turned around. Can you see the little microphone with the red light there? First just say who you are, okay, please?

MRS. HILL: I want to thank whoever gave me the privilege to come in front of them, first off.

(HB5497)

My name is Mrs. Hill. I came out of domestic violence for over 20 years. Yes, we have had some things in our state change, obviously not enough. Believe me when I tell you I was never supposed to have children because of all the abuse I suffered.

I used to come up here and advocate quite a bit. Some of you may still be here, maybe not, but the laws are not strict enough for us.

Let me tell you something. When my son was born and it was schooltime, I let my district know I had a letter from the right victim people that he could not go to the same school as my ex-abuser's children. They wanted details. I said the letter is specific

enough; it is in his school file.

As you see, my teeth -- one of the women that work in the shelter that was out in the hallway with me, I actually went down to 70 pounds from my abuse when I was in it because I didn't know how to get out of it to be honest with you. I do know when I got out of it and I heard the birds, I never wanted to go back to it, and seeing the sun when you're in it, you hear so much negative, to hear a positive word was like the best thing you could hear and, yes, my family had concerns.

They had their -- they kind of figured A, B and C was going on in the house, but you don't go out and advertise it to your family, especially 20 years ago. Years ago, you went to the emergency room. They allowed your abuser in with you. Yes, that's got changed, thank God. I've educated my doctors.

You can see my teeth. Some of them were punched out; women were decayed. As I said, I went down to 70 pounds from like 150 and 118 pounds, okay. Well, you're not eating right because he wouldn't allow me to eat. If he was out of the house, I didn't have an appetite either. I would have soda and chips that I, God's witness, lived on.

When I got out of it, I could stomach like a meal and day and keep it down. As time went on, obviously, I was up to two meals, three meals and some Ensure. Okay?

I was never supposed to have children. I did have a child. I thank God for that; that's a blessing. The fact of the matter is my school district to this day, even as of March 11th, they couldn't get hold of me on my phone,

there was a crisis. My boy's mailbox was filled up, obviously, because of that crisis, okay, so I called them, marched off. We want to transfer your son. I'm on the -- I said, "Excuse me; today is Friday." March 12th was -- I said, "I don't think this happened, number one; there's something going on at a hospital, and we don't know how that person's condition is going to turn out, and you're not giving me enough notice to begin with; I should be involved."

I said, "You want what?" I said, "There is a letter in the files, and it's also updated. If you want me to put myself in harm's way," because what I would have to do is actually ask the principal on a school activity if my child were to go to the same school as the ex-abuser's child. Well, do you know they're going to be at this event or the open house, or this, and maybe I'm being nice about this and just opted to keep my child in the district and transport this child for five years with my gas money, whether it's a dollar or three dollars a gallon or four dollars a gallon, okay?"

Things have not changed much in Connecticut. We victims have a right. If we don't think -- if you lived in Avon and there was like just two schools to choose from, then that city needs to recognize if it's not safe and you can't move at that point, just put them one town over. I'm not asking for the best school in Connecticut, the best school in the city I live in.

I'm asking -- do you not know that we are thankful -- I'm just so thankful to have my breath. I remember you were here years ago, but why do I have to educate you people

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

especially when I live in a major city, Mr. Lawlor? Why 20 years later, especially in a city that has these shelters, do we have to educate that the survivors, the victims, by the grace of God I wouldn't be here today if I could hear something positive, anything, or for one law getting changed.

Now, the laws don't get changed overnight, but I am begging you people, help the people that are out of it, help the people going through it. I don't care on how responsive -- the public buses, if you put shelter numbers on it or the info line, we see too much. When I see it on the news, it makes me cry. The news reports it. They never put to call the info line. Hardly they put a number to call like the shelter, something educated, because families to this day don't know.

Restraining orders, as God is my witness, they don't work. Years ago when I had to go to court, I begged my victim advocate -- the best that they were, believe me -- I want a separate entrance because they know when you're going to court. They could have their family come at you, their friends, anything. And, mine was a very serious case, and it was very hard, very hard, when you still had to educate the people you hire and the tax payers pay for, and our teachers, our principals, our superintendents, when are they going to recognize -- by the grace of God, it can be a high school student, their daughter, their niece, their neighbor, somebody they're on vacation with and put on such a happy face that things are perfect and then they go home and they get beat to heck.

Believe me, I had it all. I worked; I had a new car every year, plus I was buying a house.

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

I had it all, had it all, and then I realized I'm not going to any more family weddings, I'm not going out there and putting on this smiley face, I'm not happy, and I made my way out of it, thank God.

So why, I'm begging you, what do you people do to help people like myself, other people who can't be here today, because they're afraid to come speak it. You can say well, it's on the Internet, on the news. You know what? I don't own a computer. I don't want one in my house right now. When my child is leaving for school, I go get it, but I will tell you this. You can be looking on that computer, and he'll think you're looking for another guy just like when you're on the phone years ago before computers became a big thing.

Hang up that phone. They don't allow you to talk to your family, your friends, anybody, and God forbid you call the police years ago. They weren't -- they weren't as educated as they are now, but we need to stop it up.

Restraining orders, let me tell you something about those, and I know I only have three minutes. It doesn't matter what's on the news now. Twenty years ago, the same thing. He'll come after you.

I advocated 20 years ago. Just like drunk driving, usually they keep them in jail overnight. Domestic violence people that have beaten you, they might have beat you five times before, ten times before, you can't even count you've been beat so much, so the one time they finally get arrested, keep them overnight like you would a drunk driver. Domestic violence abusers are more dangerous in my opinion than a drunk driver. Why we let

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

them out at night, out of jail the same night, give that victim the chance to have a clear mind and a night's sleep that night, maybe a chance to call their family and say, look, he got arrested, and their family can say well, how long has this thing been going on, if they want to talk, they talk.

When they're around, you can't talk. You're like in your own prison from these abusers. I went through it, sir, and all of you. I am begging you, get those numbers on the public buses, get them on billboards, get companies -- I know the economy is bad, but these billboard companies would not hesitate to put 211 up there for domestic violence.

And, I'm being serious with you, and I am pleading with you. I don't know what you can do about my school system wanting to think they're going to transfer my son to the school my abuser is in. I don't think that's happening, and that's, by the way, not the reason why he's not in school today. There was something I said, as I stated earlier with the hospital, that is the reason, okay?

But, the fact of the matter is we need results. We can't wait a month. We can't wait a year. I don't want to wait another 20 years, and you know what? My son, I don't kid him, he doesn't kid me, I don't raise my voice at him, he doesn't raise his voice at me, I discipline him, I give him a month, I tell him yes or no. It works because I never want to see him do it to anybody, not me, not a friend, not anybody.

Out of what I've come through, I educated a lot of people, but when you've got to educate a major city with their education department

that has shelters that should know about this, and then by the way they put your address out there for the whole education department to know about what happened, and I'm not political, but the safe at home program where it's a separate address and not everybody is supposed to get your address, and then they come knocking on your door just to verify you live in their city.

I mean, where do we say look, that's it, this is it? You need to realize this person is giving you what they gave you, and you're abusing them by keep asking for more, and that's I feel I'm going through with my education system. No matter what I tell them, it will never be good enough.

If I leave Connecticut, it isn't because I don't like Connecticut, but personally I'm tired of educating the education department. And, yes, I've been here at many other meetings, and they have one coming up on another issue, Mr. Lawlor, with the GPS. If you're going to let them out of jail, put a GPS on them until the judge decides what's right. Don't take that GPS off. Let us victims live whether we're out of it or not or there's new cases to the court, and even though they've never been arrested before, put the GPS on them. It would have saved me a lot of beatings years ago, and it would have saved a lot of lives that we're seeing on the news right now because, obviously, they get arrested, they get a restraining order, they're out there without a GPS.

That's not good enough, and as long as you've got the technology, I think any tax payer would say, "Do it," because they know they don't want their niece, their daughter, their

granddaughter, and even if there's men out there being abused, which percentage rates says there is a small, they don't want it. They don't want to see it on their news any more. Believe me, enough is enough.

Please help us, and if you think you can help me with this school situation, I will call your aide because personally I am tired of educating the education department and knowing that still 20 years later -- and not because the letter came last week, I would probably be here today anyway -- the fact of the matter is I'm tired of educating them, update the letter, update the letter.

Guess what? You're not making me go back to an abuser, and you're not putting me in harm's way. Does that make me a bad parent? Absolutely not. Am I being nice about it and saying here, take those children out? You know what? My ex-abuser doesn't even know about the town; it's not his child. Once they say remove those children, he's going to know I'm in town. Hello.

I think I'm doing the right thing. I'm asking you people to do the right thing. If you've got connections with transportation, there's a lot of ways the companies will do it. You need to ask. If you need help asking, believe me, I will ask because every doctor I've been to since I've out of it, they posted the number for shelters. I don't care whether it's a pediatrician, GYN doctors, family doctors, clinics, emergency rooms, they've done it without a problem and very happily.

I thank you. I know I took up more than three minutes, and if you can help me, I certainly would appreciate it and, yes, I can cry, but I

## HUMAN SERVICES COMMITTEE

will tell you, you don't know how thankful I am for my voice. I shouldn't even be here, but I -- from what I went through, and when people say what's your worst beating to any victim, I don't think there's a worst one, or what was the first one, I don't think you really know the first one because it could start this way, or it could start this way. Folks, I think we need to realize when they're in it, you'll even have a hard time, telling your family, you'll have a hard time, but just keeping it posted so families can say here, there's a number to call, a neighbor to count on, and the news needs to put it up there, every bad story. I've advocated for that, and they were doing it for a while, then it stopped. And, I got personally sick of calling them, all four stations, and saying you know what, you just covered another story, and to me they're like sisters of mine. When I see them on the news, that number ought to go up there. It's free. The major papers could put like the number in there for free, which I've advocated. They're not doing that either.

They say everything's on line now. You know what? You have a breakdown; you need to see it A, B and C. If your family member is a victim, a neighbor, you'll see it on the bus, you'll see it on a billboard, somewhere, and especially in the major cities where there's so much buses, there's no excuse to try to help us, save the next life out there, and hope we don't see another one on the news tonight.

SENATOR DOYLE: Thank you, Miss Hill.

MRS. HILL: Thank you.

SENATOR DOYLE: Thank you for showing the courage to come and testify -- wait a minute. Please sit down. Thank you for showing the courage to testify and sharing all of this information.

Representative Lawlor wants to ask a question and make a comment.

REP. LAWLOR: Thanks, Mr. Chairman, and again, thank you for coming today because it's stories like yours that, you know, people are listening, and they hear these stories, and I think in many people's lives, they can't understand what it's like to be a victim, but you are certainly able to tell it.

On this question of the school system and what school your child is enrolled in, et cetera, there are a number of people in the audience today who are victim advocates, and I'm sure one of them will be willing to help you and reach out (inaudible).

MRS. HILL: I'm sure of that, but I -- Mr. Lawlor, I know you probably have more questions for me. Personally I feel I've got the letter there, a record. How come every time, every time -- and this is in the middle of the school year, by the way -- that I've got to keep educating them when there's --

REP. LAWLOR: Somebody has to get on the phone with the superintendent in that town and scream at him or her and --

MRS. HILL: I don't like voices.

REP. LAWLOR: I mean, it sounds like you're good at that.

MRS. HILL: I -- thank you.

REP. LAWLOR: But, I think it always helps to have someone else who, at least, has some type of a state title or something that --

MRS. HILL: Right.

REP. LAWLOR: -- can call up and make sure (inaudible), and I'm sure one of those folks will be more than happy to help out here this afternoon.

MRS. HILL: Thank you.

REP. LAWLOR: Before you leave and finally what I want to say is, you know, the reason we're having this hearing today -- it's two different Committees together, the Human Services Committee and the Judiciary Committee, because this reaches -- you know, a lot of times everyone is pointing fingers, it's their job, it's their job, you know, and I'm trying to get everyone on the same page, and our Representative Fox and Representative Flexer have done a great job (inaudible) because I've talked to a lot of people like yourself, and we get the same complaints from many people, so I know it's a slow process and it's step by step.

MRS. HILL: I know that (inaudible) over years.

REP. LAWLOR: Yes, but your advocacy will help make it happen this year, so I appreciate your coming here today.

MRS. HILL: And I didn't state -- and I want to thank you, too -- but I didn't state like ever after I was out of it, on a Sunday, a winter snowstorm, and it was kind of eleven years

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

ago, it was before my son was born, I get a call, and back then I don't have caller ID, the state police calling from whatever state, and I said, "Excuse me, I need to take your name and number," because I didn't know this -- so, they say like, "Why," and I said, "Because I don't know you."

So, obviously, I took the number and called them back, and he had beaten somebody else where he was living, and they wanted details. I said, "Look, I can't tell you what he's doing now; I can only tell you what I went through," so it's been right for me, but I mean, I think if any of you -- I know you're working really hard -- I think what the public needs to understand and the media, it's just simple things they can do. Even our newspapers, they can't put a little business card that they give when they're running a contest ad this big, and just any exposure to info line to let them know, hello, you know, and it will probably never go away. We know the economy is bad, but even in my day when the economy was good, and this happened.

Avon -- I'm not trying to pick on Avon today, if anybody's living there -- but the fact of the matter is no matter what your economic situation is, it can happen to you, and that's what I want people to know, that it touches -- I was making \$2,000 a week, new car every week, vacations, everything, happy face, and then when -- you know, like I said, I couldn't hold it up no more because you're not happy and that's it.

And, I want people to know if there's one thing they need to do, if it's a letter to the Legislature, letter to your local paper, letter to your news station, and say, "Look,

this is free; you just covered a very sad story, and maybe another person is going through this; please do it," because I've done that since I've been out of it every single time, and I stopped doing it because they should know right now. I don't care of they're changing producers, editors, whatever their titles are, they should know, but the newspapers especially -- and even I think we can work with the transit district because I know with the doctors, if you ask, they will do it -- just like you build it, they'll come -- they will do it because I think -- I can honestly tell you one thing about bus drivers in the major cities.

A lot of times people take their bus regular -- I'll wrap it up -- and when they don't see that person, they get so worried, and they can tell when something's going on in your house.

SENATOR DOYLE: All right, Mrs. Hill. Thank you for coming, but I will just point out that the Legislature is aware. Because of this Speaker's Task Force, we're focused on these issues, and we have a lot of work to do, but we're hopeful that we'll make some progress. And, as Chairman Lawlor said, hopefully a victim advocate will meet with you within a minute; therefore, Chairman Lawlor will be happy.

MRS. HILL: Thank you.

SENATOR DOYLE: The next speaker is Kevin Kane and Patricia Froehlich.

KEVIN KANE: Thank you, Senator Doyle, Representative Lawlor, and Members of the Committee. My name is Kevin Kane, the Chief State's Attorney, and I'm testifying here on

HB 5497

behalf of the Division of Criminal Justice. With me on my right is State's Attorney Patricia Froehlich. She is Senator Williams' designee to the Speaker's Task Force on Domestic Violence and has served on that Task Force, and on my left is Kevin Dunn. Kevin Dunn is a Senior Assistant State's Attorney who is the resource, a domestic violence prosecutor who I had thought earlier in the day might have a lot of people asking a lot of questions because there are a lot of questions that were asked earlier that he has very good answers to. He has state-wide experience and has been around the state on domestic violence a great deal.

We are testifying here in support of this bill. We are thankful to the Task Force for doing this work and for the Committee to inviting us here. We do have some specific concerns about some sections that I think with some minor adjustments this bill could be improved.

With that, I'll (inaudible).

PATRICIA M. FROEHLICH: Good afternoon, everyone, and thank you very much for this opportunity to address you once again in support of Raised Bill 5497.

I'd like to specifically address Sections 3, 7, 11 and 14.

Starting with Section 3, on the statutory exclusion from participation in the Family Violence Education Program for anyone charged with threatening in the second degree, and that would be a violation of 53a-62, subsection (a)(1), which is intentionally placing someone in fear of imminent physical

harm causing serious physical injury.

(Inaudible) Diversionary programs are appropriate in very limited cases and very limited circumstances, and I also point out we are not opposed to offender treatment. We are opposed to dismissal of the charges, threatening in the second degree, and the erasure of all records pertaining to that charge.

If the Defendant is charged with breach of peace or disorderly conduct, even in assault in the third degree, the stakeholders -- the police, the prosecutors, the family relations officers and the judges -- are aware of the conduct that has occurred and the consequences that have resulted, and if those consequences are physical, they are limited to physical injury, which as defined in 53a-3 means pain or impairment of physical condition.

Threatening, however, is different. It's a promise to commit a future specific act which will cause not physical injury, not merely pain or impairment of physical condition, but serious physical injury, and that's a critical distinction, and 53a-3, subsection 4, defines serious physical injury as physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ.

It's our position that there's no reason why someone charged with threatening in the second degree, subsection (1), should benefit from a dismissal that would occur as a result of participation in the Family Violence Education Program.

With this threatening, the victim, the police, prosecutors, family relations officers and judges are placed on notice as to what the Defendant intends to do, and as I think about my experience as a prosecutor over the last approximately 20 years, I can't think of another situation in which an offender places us on notice as to his intent to commit another crime and a more serious crime.

And, when a Defendant does so, shouldn't we listen? I think we should. I think that we should consider the fact that unless (inaudible) this doesn't cost anything. It doesn't cost anything to change the statute to preclude participation in the Family Violence Education Program if the charge of threatening in the second degree. It doesn't cost anything to the state, but allowing that participation could cost safety, security, physical injury, possibly a victim's life.

Tragically, our experience reveals that too many offenders carry out that threat, and I don't sit before you suggesting that precluding someone from participating in the Family Violence Education Program is going to stop him or her from ever carrying out that threat. Domestic violence will continue as long as society accepts it, and that's the problem. We do accept it.

And, there were comments earlier that I thought were really interesting about public notices. One of the things that I noticed (inaudible) society accepts domestic violence, years ago there was a song (inaudible) by the police, I always thought of it as the stalker song, it's something about every breath you take and every step, I'll be watching you,

currently there is a very popular song and video in which a beautiful young woman sings to her cheating boyfriend that she is going to dig her key into the side of his souped-up four-wheel drive, she's going to take a (inaudible) to both headlights, carve her name into the seats, and slash a hole in all four tires -- and I have to go on line to find this out, but that song is like on the top hits, that's societal acceptance of domestic violence.

And, what I'm asking for by asking you to (inaudible) those who are charged with threatening from benefiting from a dismissal is to make a last statement, because right now a dismissal is a statement saying it's okay, we'll forget about it. I'm asking you to make a last statement saying it's not okay, we don't tolerate it, we don't accept it.

With respect to Section 7 regarding the amendment to 54-1k -- and that's the issuance of protective orders in the criminal court for those who are charged with stalking, harassment, and sexual assault in non-domestic violence cases, I applaud that change that specifies the distribution of the protective order to the specific police departments where the victim lived, the victim is employed, and where the Defendant resides. I think that makes it more clear to the Clerks in the judicial branch as opposed to the current language which says "to the appropriate law enforcement agencies."

Section 11 is critical with respect to persistent domestic violence offenders, and that is the proposal that would amend the five-year look-back period for prosecutors to consider previous convictions and previous

persistent offenses and expand that to a ten-year look-back period.

Also critical in Section 11 is our request that the statute be changed to include out-of-state convictions, and as Representative Flexer may recall, when I addressed the Task Force, that was the issue specific to my experience because I happened to be State's Attorney for the judicial district that sits in a corner bordered by both Massachusetts and Rhode Island, and we are frequently confronted with situations in which the person that came from Connecticut, it's not a first offense, it isn't in Connecticut, but he or she has a conviction in Massachusetts -- conviction or convictions -- in Massachusetts and Rhode Island, and we currently can't consider those if you want to treat that offender as a persistent domestic violence offender.

We are asking you to follow what's been done in the operating of a (inaudible) section and make it a ten-year look-back period and expand it to out-of-state convictions if the elements of the crime are substantially the same or substantially similar to those in Connecticut.

With respect to Section 14, subsection 4, subsection (d), I would respectfully request or suggest a change, and that's the section that talks about -- an entirely new section that talks about protecting the employee who is the victim or family member of the victim of domestic violence. 4(d) talks about allowing that employee to take either paid or unpaid leave for various purposes related to the family violence. However, there is language which says that the employer may request the employee to provide the police

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

report or a court record related to said violence.

That's a concern for us because currently those police reports and records in our files are exempt from disclosure under the Freedom of Information Act, and the way the language currently reads, I'm not whether that would mean that victims or victim's attorneys or victim's service agencies would be coming to prosecutors and asking for those reports for employment purposes, in which case there's a strong likelihood that we would say we don't disclose information in pending cases.

So, respectfully, two suggestions: The statute could either specify that the victim could provide the employer with a copy of a protective or restraining order because the victim would have that and the victim would not have to come to the State's Attorney's Office if there were a protective order, or I would suggest looking at two sections, the numbers of which totally escape me at the moment -- and I apologize for that -- one is in Title 7, one is in Title 29, and they relate to municipal police and the state police and those who are victims who suffer injury in motor vehicle accidents, and those two statutes allow for a person who suffered physical injury in a motor vehicle accident to get from the police after the issuance of a common plea complaint or the issuance of an arrest warrant copies of the police report, and that might alleviate any potential problem when a prosecutor would say, "I can't disclose that."

REP. LAWLOR: Could I just ask a question, a clarifying question on this FOI? The statute doesn't say you can't disclose stuff; it just

says you don't have to. So, why is there a problem if you want to give it out and give it out?

PATRICIA M. FROEHLICH: You're 100 percent correct. I think what happens is that because we are so used to saying no, we're not giving it out because it puts us in a position if we say, "Well, we'll give it to you but not you," of having to defend against why you gave it out in certain circumstances.

REP. LAWLOR: But, that's just a criticism; that's not a legal claim or anything.

PATRICIA M. FROEHLICH: Correct.

REP. LAWLOR: I just think -- my experience has been that although as sensible as this proposal is, that the minute we start saying -- making it kind of like tweaking the FOI law, it kind of means like we only meant to give you discretion here, but not here, so that, you know --

PATRICIA M. FROEHLICH: I do.

REP. LAWLOR: I like discretion as a general rule, and I think, you know, what goes along with discretion is the possibility of you're going to get criticized when you exercise it, and the other alternative is to have the Legislature make every single micro-managing decision, and I'm pretty confident that -- and I'm sure Mr. (inaudible) will agree -- that you don't want us making every single micro-managing decision because it can get out of control, so my only advice on this (inaudible) would be to just do what you can to educate your colleagues and the police departments which answers that, you know, you

ought to make, that you ought to give out this information under these circumstances; it's just a good idea; you're authorized to do it, so you can do it, rather than have us get in the middle because then you'll get lots of bells and whistles attached to it which at the end of the day I think would make your job more complicated, not less.

That's just my perspective from being up here for a long time, that's all. I don't know if you were done. I just wanted to ask that technical question.

PATRICIA M. FROEHLICH: I was just about to say "thank you," and if anybody has any questions, I'll make my best effort to answer them.

REP. LAWLOR: Attorney Dunn, did you want to say something?

KEVIN KANE: He does.

KEVIN DUNN: Good afternoon, Representatives, Committee Members, my name is Kevin Dunn, and as Mr. Kane pointed out, I work for the Office of the Chief State's Attorney's Office, but I haven't always worked there. Back in 1996 and '97, I applied for a job as a prosecutor in the state of Connecticut. I had left the prosecutor's office. Originally, I was hired in 1988 and then went into private practice, but it was not something well suited to me. I was hired as a special domestic violence prosecutor in 1997, and I was the first prosecutor hired in the state of Connecticut to just handle domestic violence cases.

In 1997, I had the honor and privilege to work with Judge Hauser, who I consider to be the leading judicial authority in the state of

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

Connecticut. He had gotten together with a person by the name of Dorothy (inaudible) who was the state -- who was a victim advocate there, and they specifically wanted to address the problem of how courts were not responding to domestic violence.

Because they lived in Bridgeport, they focused on Bridgeport. They got the presiding judge down there to start a domestic violence docket, and that docket essentially had three goals, and those three goals were stop the ongoing violence, let's make victims safe in the long run, and let's hold Defendants accountable.

I'd like to just address that third point, holding Defendants accountable.

Within three months, the conviction rate went up in Bridgeport from 7 percent to 30 percent. Now, we can debate this 30 percent and up, but clearly -- and by the way, those are statistics that come from the judicial office -- so in terms of the efficacy of whether these dockets work or not, that is a clear statistic that shows Defendants are going to be held more accountable.

By the way, I can assure you at that time I never went to see how many cases we were convicting and who was being convicted (inaudible). We never even focused on that. We focused on best practices. The best practices were vertical case management, victim-centered prosecution, 26-week Defendant programs, strong judicial oversight, and I can assure you Judge Hauser provided the essence of what strong judicial oversight is. Since then, we've had a number of judges carry on that tradition.

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

What essentially would domestic violence dockets do is create expertise. They create expertise on the prosecutorial level; advocates generally are experts to begin with; but, for some new advocates, there is a learning process there, too. It also develops expertise in the judges. That expertise cannot be minimized in how you (inaudible) the victims and how you respond to it.

Victimology is the whole thing, and I'll leave that to the advocates to handle.

I now travel around to see the different dockets, and on a personal note, I find it a little discouraging that the judicial branch would come in here and argue against having domestic violence state-wide. I know this was a recommendation made from the (inaudible) Task Force, the domestic violence study last year. I can assure you -- from my opinion, and I say that; this is my opinion -- there is nothing more significant in this bill in my opinion than establishing state-wide domestic violence dockets.

The reason is -- again, I mention -- it establishes that expertise across the board. The prosecutors respond better to victims. I appreciate, Robin, your comment there. I would not blame the prosecutors or judges in other places that don't have domestic violence dockets for not responding properly. A lot of times they don't have the background, the education, or the will, which leads me to the point I think -- and my final point essentially.

We all have trust in Connecticut, and I truly, truly believe this. I've not only had the

opportunity to travel around the state, but around the United States. Connecticut in many, many ways is a very aware state about domestic violence, and that's not true across the nation. This bill in my opinion, especially Section 12 which I'm embracing, would put us in the forefront of how we respond to domestic violence in the nation. There's no other state, I can assure you, that has domestic violence dockets in every one of its courts, and this would be significant.

So, essentially, it's Section 12 that I'm here advocating for. I've traveled around the state; I've seen where dockets work and how we respond and how we don't respond. One thing about the argument made by judicial today -- and by the way, Judge Monroe has a tremendous, tremendous reputation both in the civil court and (inaudible) court. I've never worked with him. I just do criminal. I handle the criminal aspect of domestic violence.

The point I'm making is judicial made a point of saying that the dockets don't seem to work because of recidivism that does work (inaudible). Well, I'll tell you the only places that we really have (inaudible) are at the docket sites. If you want to send someone to a 26-week program, the -- those programs are only provided for the docket sites, so I don't find the logic in that particular argument.

And, secondly, the idea of recidivism -- and this is my first two points about stopping violence and, you know, creating a safety plan for victims -- if you ran around the polled, if you could speak to victims that -- you go to nine domestic violence sites and then speak to victims at the docket site, I can assure

you that the response of victims would be better in the docket sites only because -- one of the best practices, and I feel I should say this, is the idea of sharing information. Victims to their advocates have much better access to prosecutors at docket sites, and I'm not saying that's across the board true. Some districts have victim advocates that have great access to prosecutors.

So, the point that I would like to make finally here is that we in Connecticut are on the verge of doing something that I think is a quantum leap forward, and for us to fall back on an idea that recidivism, which is very, very complex, extraordinarily complex, so we don't have the finances to provide Evolve, which essentially costs \$1,000 a person, if you prefer building 50,000 -- making jail cells for \$50,000 a year, I guess that's our choice. A thousand dollars a year for Evolve, and then if jail is necessary we have to be able to respond to that.

So, I appreciate this opportunity. I have a lot to say about this stuff, but I know time is (inaudible).

REP. LAWLOR: Thanks, and I just want to say, you know, I know the judicial branch has sort of a general aversion to the Legislature in proposing specialty dockets on them, but I think they've gone along in the past with a lot of this as an accommodation. I think here today their main objection is the fact that -- and you may not be aware of this little battle going on between the three branches of government -- but in effect, in my opinion, at least, the executive branch has made it almost impossible for the judicial branch to carry out their existing obligations, let alone

having some additional ones. We're hoping to address that during the session, but I think that has a lot to do with the comments you heard earlier, because I think everyone acknowledges that having specialized courts is very effective especially in the areas like this where there's just a lot of volume of cases coming into every courthouse (inaudible).

I have a specific question about this whole threatening thing. Just for starters, do you have any sense how many cases which involve threatening are actually ending up in the family violence program? Is it happening a lot or is it relatively unusual, or what?

KEVIN DUNN: Excuse me. (Inaudible.)

RÉP. LAWLOR: Either one.

KEVIN DUNN: I'd like to comment about that. There is a frustration, I think, among victims and some prosecutors that the family violence education program generally is given out by judges too easily. I know this for a fact. When I worked with Judge Hauser -- and, again, he's been my mentor in this -- he refused to give it to anyone that struck someone with a closed fist.

Now, that may sound totally out of the experience of many people then. That doesn't mean, by the way, they automatically ended up with a criminal record. The way you sponsor this -- and I think we mentioned this before, and I worked with (inaudible) report -- you have to be creative in your responses to these things. If a person comes (inaudible) you and he says to you, "I know I punched my wife in the face, I may have fractured her nose

there," and then the advocates come and tell you, "Well, you know what, if he loses his job in Sikorsky, Mr. Dunn, he's not going to be able to support his family in terms of paying the mortgage, having the kids continue on with school," I think the prosecutor would be remiss in not factoring those all into consideration.

So, instead of the Family Violence Education Program -- and by the way, I think Attorney Froehlich said her office in general has always been on the forefront (inaudible) addressing some of these issues because, to be honest, I think it was her office that came up with the whole idea of the strangulation bill.

But, to that point, Attorney Lawlor, in a case like that, there are other sanctions that you could put into place. Instead of going to the Family Violence Education Program, you can put a person in the Evolve Program and say, guess what, we'll enter a guilty plea; if you get through the Evolve (inaudible), and I'm out of the case.

It's that type of creativity that you can get in the domestic violence docket that I can assure you you are not going to get in the (inaudible) docket. First of all, they don't even have the Evolve Program, and --

REP. LAWLOR: In that situation, you'll end up with the same outcome of dismissal, right?

KEVIN DUNN: You end up with a nolle and --

REP. LAWLOR: And 13 months later, it just --

KEVIN DUNN: Let me say something. I appreciate judicial bringing attention to the fact that

recidivism generally happens quickly after an event, and I think all the research points that out. We didn't really use the Family Violence Education Program under Judge Hauser. I asked him recently, I said, "How many times do you think we used it in the three years that you and I worked together?" And, we both looked at each other (inaudible). I'm thinking everybody got (inaudible) in Bridgeport. Seventy percent of the cases were being nolleed, but there was a different approach that we took, and that's another -- what I think would really improve part of the DV docket.

Now, the idea of, you know --

REP. LAWLOR: But, I just want to restate my question because there's two issues. One is sort of like a philosophical issue, and the other is a practical issue.

How often does this actually happen? You know, what would actually change if this change is put into the statute, and so I'm guessing there must be at least a fair number of cases where the prosecutors are objecting to the family violence program, the guy is charged with threatening and the judge, notwithstanding that, grants the program, so I'm guessing that's the problem that we've been trying to solve here.

KEVIN DUNN: It happens a lot, and not only threatening, it happens with the violation of protective orders, it happens with (inaudible) that judges grant. That program in my opinion is -- you know, I'm not a judge, so (inaudible), and by the way, I want to comment.

First of all, this is my own personal opinion. I understand judicial has done some great things; in fact, it has been through their cooperation that these original dockets have worked, so I wasn't meaning to disparage them in any shape or fashion.

The fact is is that the Family Violence Education Program across the board is given out too easily, and there are better ways of addressing it. It's like sending an alcoholic to a couple of classes and saying, "Tomorrow you're not going to be an alcoholic."

That doesn't happen with (inaudible). It works for what I call the Jerry Springer type of cases when people audition for Jerry Springer, a minimum type of violence not controlled, how to control people, people that can benefit from that type of intervention, and that I join State's Attorney Froehlich in saying that this program is given out too easily and we have to be better equipped to respond to it.

REP. LAWLOR: I'm only asking -- it's just an empirical question -- it's relatively easy to find out how many people are in the Family Violence Program where one of the charges is threatening. I'm just kind of curious if anyone's figured that out.

PATRICIA M. FROEHLICH: I have to tell you I don't have that number, and even if it's for my judicial district I can't get them unless I have my staff go through each file individually. (Inaudible) here today, and we've tried to get those --

REP. LAWLOR: We'll make it easy. I thought you might have them, but --

PATRICIA M. FROEHLICH: No.

REP. LAWLOR: Our Office of Legislative Research, who are masters at pulling this kind of data out of the uncooperative minds of some folks who work in the judicial branch elsewhere, can probably get -- I mean I suppose it's possible to find out of all the current family violence cases how many of those actually include the charge of threatening. That seems like a straightforward enough question that judicial can probably give us the answer to.

(Inaudible.)

REP. LAWLOR: Yes. That's why I'm asking.

KEVIN DUNN: I don't have the specific amount, but it's not an unfounded charge.

REP. LAWLOR: Right. And so -- because we switched to like the philosophical side of this -- because I agree with what Attorney (inaudible) has said.

I mean, obviously, assuming you are actually guilty of this, right, it's a pretty serious thing, but my experience has been that this charge is thrown in there any time there's an arrest taking place and anyone who has said anything threatening like, "I'm going to whack you if you do that again," would get you a threatening charge even though you definitely can't prove that beyond a reasonable doubt if that's the only comment that was made, right, because it's not an imminent threat of serious physical injury, it's a threat to punch somebody, so I think that's the problem that -- and the reason I ask these questions in the public hearings is because when we get to the

debate, whether it's in the Committee or on the floor, people will ask these questions, and so to the extent it's possible to get the answers now, it's good, right, but one of my concerns is that oftentimes police will just throw in every charge that sounds like it fits, you know, it doesn't really fit the facts, and what do you say about that concern?

PATRICIA M. FROEHLICH: I agree. There are threatenings and then there are serious threats.

REP. LAWLOR: Right.

PATRICIA M. FROEHLICH: There's the charge. There's the threat. Whether it's philosophical, empirical or the more practical, what came to my attention over the course of years were the cases in which there's a threat charge pending, family violence pending, either the Family Violence Education Program or the informal diversionary program under the 1986 memorandum of (inaudible), and then while there's a case pending, the Defendant carries out the threat, and in my experience, that has happened too often, and I have been in houses when I've gone to a murder scene or suicide scene where it's an offender who has had a case where there is a restraining order or a protective order on the table, in the house.

So, I initiated this proposal when I was working (inaudible) based on experience and practical as well as the philosophical but not, Representative Lawlor, on empirical data (inaudible).

REP. LAWLOR: And you understand the concern of what sometimes we'll refer to as over-charging

by the police, you know, that those are thrown in because somebody said something threatening. It doesn't fit the crime of threatening, but it -- you know --

PATRICIA M. FROEHLICH: That's why it's so critical to look at the language in the proposal, that in 53a-62, subsection (a), subsection (1), and what that will do is put the burden on prosecutors to charge specifically -- which we've been doing since sometime in '93 (inaudible) the registry was created -- and we have to charge specifically (inaudible) --

REP. LAWLOR: Right.

PATRICIA M. FROEHLICH: -- to have a subsection, and does it put a burden on prosecutors? Of course, it does. It means you have to redo the work of the police thoroughly, quickly, and determine which is the specific subsection.

REP. LAWLOR: Well, to me, that makes a big difference, and that's good because there's like an extra step --

PATRICIA M. FROEHLICH: Absolutely.

REP. LAWLOR: -- that's going to have to happen before you get to the bar on the -- so it's not a broad all-threatening --

PATRICIA M. FROEHLICH: No. It would be an addition (inaudible).

REP. LAWLOR: -- all threatening; it's just the specific one. Okay.

PATRICIA M. FROEHLICH: Right.

REP. LAWLOR: And the final thing I want to say is that the -- and correct me if I'm wrong; I'm just trying to look it up on the normal sort of assistant Defender's desk -- there's no look-back period, right; it's just like I'm looking at a persistent dangerous felon (inaudible). There's no period of time there, right? I mean, I'm looking at it. It seems like --

PATRICIA M. FROEHLICH: No.

REP. LAWLOR: -- persistent larceny offender doesn't seem to have a look-back period; persistent serious sexual offender. I mean, they all seem to be like any previous conviction counts, and so what you're saying is the family violence should be the same way (inaudible) saying for ten years, but --

PATRICIA M. FROEHLICH: My initial proposal was why have a limit (inaudible)? Why can't we consider forever?

REP. LAWLOR: Right. I think that would be consistent with our persistent offender statute. There is no look-back. I'm just saying (inaudible) proposal as is the case with all of our other persistent offender laws except maybe DWI.

PATRICIA M. FROEHLICH: DWI. Operating under the influence (inaudible).

REP. LAWLOR: Representative Fox?

REP. FOX: Thank you, Mr. Chairman. I thank the three of you for being here today. I've had a chance to speak with each of you, and I know that you all are very involved with this bill, and I expect that we'll have an opportunity to

get your input as we continue through this process.

Attorney Dunn, you mentioned that you handle domestic violence cases and you discussed how you travel throughout the state. Can you just explain to the Committee members exactly what you do because I do know that you actually handle cases throughout the state. It's not as if you just go and view the courts.

KEVIN DUNN: A number of years ago, I think the Bridgeport model became sort of accepted as the gold standard model, and because I was there for so long, I think the Coalition Against Domestic Violence came up with an idea that our office should be sort of a resource. When I say "our office," the Chief State's Attorney's Office should be a resource for the rest of the dockets, so as you know, Representative Fox, our office does not try to impose our thinking or our (inaudible) on the various State's Attorneys throughout the state.

But, when I do travel around, I try to make positive suggestions and show sometimes by my own way of handling the cases how I think is the best practice in terms of responding to cases, so essentially, the answer to you is that I travel around the state, and in many dockets I act as the regular prosecutor on that docket. When I go to New London, I handle as many cases there as the other prosecutors there, and I still go back to Bridgeport. And, by the way, I go to all the places that don't have dockets. I travel to Danielson; I travel to Bantam. It's only a couple of years I haven't been to the states, so I think I have a unique perspective in the way the different dockets handle the cases.

But, essentially my job is to act as a resource and to some extent share my knowledge about the prosecution (inaudible) basis, so I appreciate the fact that I've been able to do that (inaudible), and I appreciate the fact that Mr. Kane allows me to drive around in a state car.

REP. FOX: You also mentioned the -- you mentioned your work in Bridgeport with Judge Hauser, and I think the most remarkable statistic I heard today is that the Bridgeport DV docket, which is the largest in the state, significantly the largest in the state, has the low, very low recidivism rate of 7 percent of people who use the programs, and I was -- that came from CSSD, but I thought it was a remarkable statistic for the work that's being done there.

KEVIN DUNN: I never hang my hat on recidivism because our goal in Bridgeport was to reduce the level of violence. (Inaudible.) It's sort of ridiculous to think they're going to drop down to (inaudible). We accept the fact that people may recidivate some day. It's part of the training for judges and prosecutor. It's going to happen in DV court, so recidivism to me is not the same thing (inaudible). It's checking in with the advocates to see if victims think we're responding better and, quite honestly, holding Defendants accountable, because if we're not holding them accountable, they're going to recidivate (inaudible) with a few exceptions.

REP. FOX: And, you mentioned DV dockets and, Attorney Froehlich, you do not have the DV docket, but you mentioned that you have a dedicated prosecutor who handles the DV cases.

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

Would you please explain how you do it because one of the discussions that we're going to have to go through is do we push DV dockets throughout the state, or in the courts that don't have it, how do they handle it?

PATRICIA M. FROEHLICH: When I was first appointed in 2001, it was apparent to me that there were more domestic violence cases in the Windham Judicial District than I had experienced as a prosecutor in the Judicial District of Danbury, so we started counting, literally counting the number of cases, and we were able to get a grant-funded prosecutor to handle only domestic violence cases.

We have that prosecutor since January 4th -- I'm sorry -- January of '04, and we're on our third domestic violence prosecutor in that six-year time frame, and the domestic violence prosecutor handles cases -- let's say John Doe gets arrested for a domestic. It goes directly to the domestic violence prosecutor from day one through disposition.

Any applications for arrest warrants in domestic violence cases go specifically to the domestic violence prosecutor (inaudible) those files, those applications go in red file folders so that everybody knows it's domestic violence. There's a 24-hour turn-around policy. If Jan, our domestic violence prosecutor, is not in or is unavailable, then the application for an arrest warrant goes to whatever prosecutor is available. It goes to a judge in the red file folder. They know the domestic violence turn-around.

Because of our volume -- and you heard the numbers from judicial earlier on the high-risk

offenders on that snapshot day, February 23, when Representative Flexer and I sort of had eye contact, because Bridgeport had 5; Hartford had, I think it was, 22; and Danielson in that quiet corner --

REP. FOX: I noticed that as well.

PATRICIA M. FROEHLICH: Danielson in the quiet corner had 25. It's not something of which we are proud, but something of which we're especially cognizant of, so because of those numbers, we actually had to change our policy. It used to be that the domestic violence prosecutor handled all of John Doe's cases. If he had a domestic file, an operating under the influence, and a narcotics, the DV prosecutor handled them all.

Within the last three to five months, we actually had to reverse that because her case load was just so out of control. Now another prosecutor will handle John Doe's cases even if they include domestic violence.

We don't have the team approach. Our DV prosecutor tries to work with the family violence system advocates. We hold meetings with the police chiefs and state police lieutenants to talk about domestic violence cases, but we don't have judicial on board, and we don't have probation, so we're not functioning as the formal domestic violence docket, and our cases are not currently called separately. They're commingled with the other 150, 220 cases that are on the docket. We're working with judicial on that.

REP. FOX: So, you don't dedicate a specific day for DV?

PATRICIA M. FROEHLICH: Well, we dedicate Tuesday, Wednesday and Thursday for the domestic violence prosecutor to continue her cases for those three days so that she has Mondays and Fridays to work with victims and the family violence system advocates, but there's no separate docket.

We were working with the judicial branch in the local Clerk's office right now to at least establish parameters for a separate printed docket and to call them at a separate time, call the domestic cases at a separate time during the day even if we don't have a team approach.

REP. FOX: Because that's one of the things I've been wrestling with, and I understand the team approach, I understand that that can involve resources. At the same time, whether you have a domestic violence docket or not, these cases still exist, and they're going to exist -- they're going to be prosecuted in some manner, and I don't know if it's possible through some sort of coordination to simply try to put them on for a specific day, a specific prosecutor like you have, which sounds like what you've attempted to do and are continuing to do.

I'm just trying to go through how -- is it possible -- as hard as people say to create a DV docket, I guess is what I'm saying.

PATRICIA M. FROEHLICH: I don't want to comment on a different -- on the budget of a different branch of government, but I really think -- I'm going to quote one of my Assistant State's Attorneys -- a Marine who taught me long ago that hope is not a strategy.

It's our plan, not our hope, our plan that the

people who are already working during their regular work day and handling these cases could sit down for a portion of that day on one specific day of the week and talk about the high-risk cases because the domestic violence system advocates are already involved, and family relations officers are already involved, and the prosecutor is involved, probation at some point will already be involved if there is a conviction and a split sentence, so to answer your question, no, I don't think it's impossible, and I don't think it would have to be inordinately expensive.

KEVIN DUNN: Let me just address that because I think we have a good example of that in Connecticut right now.

I work for Judge Bellis in Bridgeport, and in some ways she's become sort of the judicial authority on domestic violence in Connecticut. She was assigned civil in Milford, the Derby district, and she recently asked the judge there if she could start a DV docket in Derby. There was no money given to it; there were no extra programs given to her or the prosecutors there; and, I can assure you the difference in -- again, not to disparage any of the prosecutors there or any private judges -- it's a different climate of opinion out there when it comes to domestic violence since she started this docket.

And, there's more accountability with programs; there's more accountability with defending; and, I think there's (inaudible). So, I don't think it takes some heroic measure to do it. It takes will power and, believe me, Judge Bellis has it.

KEVIN KANE: There are varying degrees. It doesn't necessarily take a dedicated domestic violence docket as there are places where that can't be done because of the staffing or because of the pattern of court business or because of the structure of the courthouse, the facilities, so there are varying responses that can be done.

All of these do take prosecutorial resources and resources from (inaudible), and one of the -- as much as I think I would like to see domestic dedicated dockets put in more, we can't cope with the ones we have right now. We've had a decrease in funding; we've had a decrease in staffing at the divisions. I think we're down approximately 50 people across the board, and if you try to mandate a specialized docket, that's not going to work because the resources will get crunched too hard. It's understandable why (inaudible) dockets.

REP. FOX: Thank you on that. I also have a few questions on the threatening proposal, and I know we've talked with each of you about that.

And, just so I'm clear. The proposal is to look -- currently, the Family Violence Education Program is ineligible for anyone charged with an A, B or C felony, and then there's D felony where you can show good cause.

KEVIN KANE: Yes.

REP. FOX: And, then there's other offenses which you can apply, and the judge would have discretion to grant or not grant the application.

KEVIN KANE: That's correct.

REP. FOX: The proposal here is to place -- or, at least, the Section 1 of 53a-62 into those crimes that are ineligible. Is that correct?

KEVIN KANE: That's what we're going to do. Yes, it is.

REP. FOX: And, that's the position that everyone's taking? That's what you want to see?

PATRICIA M. FROEHLICH: In an effort to negotiate, I guess, if that is not palatable, then I would propose as an alternative putting threatening in the second degree, 53a-62(a)(1), in the category in which the defense would have to show and the judge would have to make a finding of good (inaudible) before the person could (inaudible).

REP. FOX: And -- because I think when we've talked about this, I can understand the certain threatening charges that are very serious, they link with violent crimes, and I think we all want to try to do something about that, and when I raised when I spoke with you some of the potential unintended consequences of making this ineligible for the program, because when you make it ineligible, you're essentially saying you want somebody charged with this to get a criminal record, okay, so when we talk about the threat of imminent serious physical injury, would somebody saying, you know, leaving a voice message, "I'll break your neck," does that qualify?

KEVIN KANE: Yes, it can. The allegation, we would have to prove beyond a reasonable doubt that the Defendant, the actor, intentionally placed the victim in imminent -- and fear of imminent

serious physical injury. We don't have enough facts on that.

REP. FOX: Except I was just thinking of some of the cases I've seen in the domestic violence docket include college room-mates who lived together who get into a fight, and they're charged with threatening.

KEVIN KANE: "I'm going to kill you," and a wrestling match occurs.

REP. FOX: And, at that point, at least the way this is drafted, there would be no discretion to turn that into anything that's sort of a criminal record.

KEVIN KANE: The key --

REP. FOX: I mean, is that a threatening example? Another would be a mother-daughter get into an argument, and you can charge someone with threatening. I mean, those are some that can be unintended.

KEVIN KANE: A mother-daughter argument certainly, and even the facts you gave on the college room-mates. We have to prove under subsection (1) of that before it's charged there has to be probable cause to believe that that Defendant intentionally placed the victim in imminent fear of serious physical -- or in fear of imminent serious physical injury. Serious physical injury, we described it in the written testimony. It's narrowly defined by the statute. It's that one subsection of that statute where that applies.

Now, certainly, that takes most of the threats we see out of it. I mean, that subsection (1) is going to be a small number of threats that

we see.

REP. FOX: So, most threatening in the second degree are in the other subsections?

KEVIN KANE: Most threatenings would be covered in the other subsections.

REP. FOX: And, would the individuals be AR eligible? (Inaudible.)

PATRICIA M. FROEHLICH: They are (inaudible).

REP. FOX: So nobody would be able to apply for accelerated rehabilitation under this?

KEVIN KANE: Right.

REP. FOX: And right now, the way it's drafted, the discretion would be in the prosecutor, not the judge?

KEVIN KANE: The way that bill is drafted, the discretion would be in the prosecutor and not the judge. If the prosecutor chooses that section, to specify that subsection, then the charge would be ineligible for the program.

Now, that is -- the other way of handling it might be to allow on a showing of good cause the program could be granted. That's -- I'm assuming the prosecutors are going to exercise their discretion wisely and responsibly and charge that subsection when it's warranted. When they do, then it's important that they do it appropriately, and it's important that -- one of the factors we have and I've noticed over the years is that discretionary programs become a means to move business.

The courts are choked with volumes of cases,

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

so much so they don't get the attention they need, and occasionally cases go to the diversionary programs to move business, which is an essential thing to do. They will more appropriately not be allowed to go through the diversionary programs.

REP. FOX: In the past, we've had a number of discussions regarding judicial discretion in this Committee.

KEVIN KANE: And I'm strongly in favor of judicial discretion.

REP. FOX: In this situation?

KEVIN KANE: And I have been over the years.

REP. FOX: And in this situation, we're being asked to change that?

KEVIN KANE: Yes.

REP. FOX: Are there any other questions from members of the Committee? Thank you.

Representative Baram?

REP. BARAM: Thank you, Mr. Chairman. I want to thank the three of you, also, for coming and indicating your support to try and create some legislative reform to address this growing issue.

Getting back to the matter of domestic violent dockets, I'm wondering what you feel the benefit might be of trying to create regional dockets to try and address the judicial's concern of cost and implementation to perhaps do it on a regional basis where some of these smaller G.A.'s could refer cases to the

regional center where you might have a greater staff or resources.

One of our Task Force members, Representative Peggy Sayers, pointed out that she was familiar with -- I think it was in New York where they actually had centers, and the cases were funneled to those major centers where you had the counselors, the advocates, the prosecutors, the whole works, and that was their specialty.

I'm wondering how you feel about that kind of an approach.

KEVIN KANE: That concept -- you're talking actually two different concepts, and the concept that I think you -- I know you're talking about when you talk about the centers in New York are the family justice centers. They're different than a regional domestic violence court.

The family justice centers are a terrific concept. It is a concept that we visited one last year or last summer, a year and a half ago now, down in Queens where the district -- the D.A.'s office, and it's funded through the city of New York. They had a family justice center on -- there was one floor of a large office building that had all of the resources available, and it was terrific. There were prosecutors there; there were police officers there; there were Legal Aid attorneys there; there were immigration counselor there; there were department of social service workers there, all present. It was a one-site family justice center that dealt with all of the issues that are involved in domestic violence situations, and it was a terrific concept.

Now, that's very different from saying we need a regionalized domestic violence docket. I think that would be a mistake. The farther courthouses get removed from the communities that they serve, the farther courthouses get removed from where the victims are, where the witnesses are, where the Defendants can get to court, and the community that's impacted by what the court does, the farther justice is removed from where it ought to be. Justice really is local law-enforcement is local, and the idea of regional courts I think is not a good one.

REP. BARAM: Thank you very much.

REP. FLEXER: Thank you. Are there any additional questions from Committee members? Thank you all very much for your testimony.

KEVIN KANE: Thank you.

REP. FLEXER: Our next speaker is Kathy Emmett.

HB 5284

KATHY EMMETT: Good afternoon, Members of the Human Services and Judiciary Committee and Acting Chairman Flexer.

I am Kathy Emmett, immediate Past-President of the Connecticut Trial Lawyers Association, and I'm here to speak for the Association on behalf of the protections that are included in the Raised Bill 5497 to protect employees who are victims of domestic violence, and specifically I'm speaking on behalf of Sections 13 and 14.

As you know, Sections 13 amends 54-85b to include protections for victims of domestic violence who have to attend to civil proceedings as well as criminal proceedings

and extends the statute of limitations from 90 days to 120 days for bringing a claim under that section.

And, Section 14 provides for leave, either paid or unpaid, to be granted to victims of domestic violence who need to attend to certain related matters outside of the workplace.

I would want to bring to your attention, though, as I do in the written testimony I've submitted that we understand, that is, CTLA understands that in Section 14, a very important section that was in the initial draft of that bill got left out, the section which provided that the employee who was denied leave would have the right to bring a claim against the employer either to get reinstated if they were terminated as a result of taking that leave or if they were otherwise punished, that the employee would have the right to bring a claim to enforce the provisions of that statute.

Also, I do want to bring to your attention that the Labor and Public Employees Committee has referred to the Judiciary Committee a related bill, and it's Raised Bill Number 5284, which adds victims of domestic violence or perceived victims of domestic violence as a protected class under Connecticut's fair employment practices act, and we believe that that is an essential addition to this omnibus bill for protection of employees who are victims of domestic violence because sadly there are employers who do discriminate against victims solely because they are victims or because the employer perceives them to be victims of domestic violence.

REP. FOX: Next is Shannon Lane, and she'll be followed by Sue Garten.

Good afternoon.

SHANNON LANE: Hello. Thank you.

My name is Shannon Lane, and I'm a professor at Adelphi University School of Social Work, and I'm here to talk about some research I did as part of the University of Connecticut School of Social Work in 2007 and 2008.

We were fortunate enough to be part of a national study that looked at survivors of domestic violence around the country, including in Connecticut, and although we've had a chance to hear from two survivors here today, we had 3,400 survivors participate in our study, and I would like to take this opportunity to share some of our voices with you because so few survivors are usually able to attend events like this, and I wanted their voices to be heard for this process.

And, I'm here to support the recommendations of the Speaker's Task Force for both H.B. 5246 and 5497 and the difficult work that Representative Flexer and the Task Force have taken on this past year. In particular, I wanted to focus on the housing needs of survivors as it addresses the landlord and tenant issues in this bill and also the employment issues of this bill because what we know about survivors is that their financial stability is very connected to whether or not they are able to leave their abusers.

One of the surprises for me when we did our research was that when we asked survivors of domestic violence what their needs were,

obviously the first thing almost everyone said was safety. Second to that, 83 percent of our survivors said that they had problems with housing or needed help in finding housing, and a lot of them also raised financial issues as well, so 57 percent needed help with job or job training, and 54 percent had needs related to budgeting and financial matters.

And, this relates specifically to some of what we've heard today about the challenges for survivors and getting time off from work, but also having abusers come and hassle them at work, and it's actually become sort of a (inaudible). We call it economic abuse, which relates to behaviors that control a person's ability to acquire, use or maintain their economic resources which threatens their economic security and their ability to live as self-sufficient individuals.

Abusers are known to interfere with education, employment, prevent someone from acquiring assets so, for example, forbidding a survivor from putting their name on a deed or a title to a car. Abusers are also known to create costs that the survivors are responsible for so that suddenly the survivor has credit card bills in their name for bills that they -- items that they never purchased or their savings are taken away from them.

As a result of all of these things, for a lot of survivors the ability to leave their abuser is connected to whether or not they can find a place to live that they can afford, and the provisions of this legislation that would allow more flexibility with employment and more flexibility with housing would be a great step towards giving that opportunity for some of these survivors.

And, I said I wanted you to hear their voices, so that's all my voice, but I want to give you some quotes from the surveys themselves.

Our respondents told us -- one person said without this program, they would have gone back because of co-dependence financially, and they talked about a number of other things that are in my written testimony that I think are really important to bring you to hear their voices. Thank you.

REP. FOX: Thank you. Are there any questions? Representative Green?

REP. GREEN: Thank you, Mr. Chair. Good afternoon.

In the study that you did, one of the things that I was trying to get a sense of is that if women or if anyone came to a shelter because of the issue of domestic violence, you said 83 percent, I think, needs some housing, or that was second after safety.

SHANNON LANE: Uh-huh.

REP. GREEN: What normally happens if someone goes into a shelter? Do they return home, or do they find other places to stay?

SHANNON LANE: That's a good question, and I don't have those statistics at my fingertips. I can tell you that every survivor situation is different, so it's hard to generalize.

We do know that there is a large number of survivors who will leave multiple times, and often they will go to a shelter or DV program and feel obligated to return because they don't have financial resources or access to

housing, so there are people who will go back to their abusers, and that was a big thing that we heard through our study.

We looked at people as they left shelters, and often they said, "I don't have anywhere to go; I have to go back to the abuser."

Some people will go to homeless shelters, but domestic violence in homeless shelters will only take you so far, and in this economy, you know, I would love to sit up here and say, "What we really need is affordable housing in Connecticut," but I don't know that that's something that is going to be at the top of the agenda this year, so it's definitely a challenge.

REP. GREEN: It has been very difficult for me to get specific information and numbers as to the percentage of women or men that do go to a shelter how many return home. What's that home like? For example, when you say they may return to a situation where that's where the abuse is at, we don't know, your study didn't give us any information as to whether or not those homes were leased to the person that was the victim or were they leased to the other person. We don't have that information, do we?

SHANNON LANE: Right. We don't -- we didn't ask those questions on our survey. Deliberately, we didn't. We don't have a way to follow up with the people in our survey because there are some safety issues for me to call or send a letter to somebody that either that call or that letter might be intercepted by an abuser, so we would like to have those answers as well, but at least for us we made the decision to not collect any information after they left

the shelter.

I know there are other people here today from CCDV and shelters who might have a better sense from their populations what those numbers are, but we weren't able to gather that information.

REP. GREEN: So, in your study, you didn't ask the question, for example, were they the primary lessee on the rent agreement or in the home, so you didn't ask what their relationship with the renting unit was? I'm trying to get a sense of if there's some concern about allowing some release of the lease, you know, how many people are we talking about, how prevalent that is, and it's just been hard getting numbers.

SHANNON LANE: Right, and certainly the sense we got from the study was that that was important, but we didn't ask, and because we didn't ask that question specifically, it's hard for -- I can't answer that specifically, although the anecdotal data suggest that housing was a huge issue for everyone whether they were on the lease or not.

REP. GREEN: Okay. Did you ask those people who had to leave their homes whether or not they felt a desire to return to a home, maybe not to the home that they left, but in the same community, did they want to get away from the community? Did you get a sense of did those individuals want to go to a different area, just kind of be removed from the previous residence?

SHANNON LANE: We did have a number of people who chose to cross state lines or go several hundred miles in an effort to get away from

their abuser. Some people felt that that physical distance was necessary for security. Some people for various reasons, including family ties or employment, either didn't want to leave or didn't feel that that was an option for them and said they would try to find a way to stay safely in the community that they had come from.

So, again, it varied upon, you know, what ties did they have with the community, were they actively employed, did they have a job that would allow them to easily look for employment somewhere else. Some people really wanted to stay in their home community. They had a network there. They had a community that they wanted to stay a part of.

REP. GREEN: All right. Thank you.

REP. FOX: Are there any other questions from members of the Committee? Seeing none, thank you.

SHANNON LANE: Thank you.

REP. FOX: Next is Sue Garten.

SUSAN GARTEN: Good afternoon, Representative Fox, Members of the Judiciary and Human Services Committee. My name is Susan Garten. I'm a lawyer at Legal Aid, and I'm here on behalf of the legal services program to support H.B. 5497, an act concerning the recommendations of the Task Force on Domestic Violence, and I want to specifically speak about Sections 13 and 14 of the proposed bill. Those are the sections that protect the jobs of victims of family violence.

Legal Services advocates worked in close

partnership with CCADV to develop the concepts of those sections, but some of the language that we drafted is not included in the bill before you, and we believe that restoration of portions of the original language would strengthen important employment protections for victims of family violence, and I've attached those suggested changes to my testimony.

Section 13 amends Section 54-85b of the General Statutes, and that provides employment protection for witnesses or victims of crime. Connecticut's current law prohibits employers from penalizing employees because they obtain a restraining order or a protective order, but this offers insufficient protection to victims because there are many reasons why a victim of family violence may decide not to seek a restraining or protective order or pursue any legal protection, and that can include lack of access to an attorney, a lack of capacity or knowledge, a risk of elevating the conflict, or the determination that an order simply would not help the situation.

But, unfortunately, the language that's proposed in 5497 prohibits employers from penalizing only those family violence victims who participate in court proceedings or investigations related to the violence, so victims who don't access court protections will not benefit from the proposed statute, and it is, therefore, imperative that language be added to prohibit employers from taking adverse action against employees simply because of their status as family violence victims even if they're not involved with court proceedings. All family violence victims should receive this protection, not just those whose safety plans include legal

remedies.

Section 14 of the bill addresses the critical need of some family violence victims for time off from their work for medical treatment, legal redress, safety planning or relocation, and Connecticut's current laws provide a patchwork of protections for victims of family violence, but the absence of a comprehensive approach deprives many victims of the protections and resources they need to be safe.

For example, the state and federal Family and Medical Leave Acts don't cover workers who are just starting out on the job, and they only cover workers at smaller businesses. Also the FMLA leave can only be used to obtain medical treatment, so it doesn't meet the other critical needs of family violence victims.

Section 14 of the bill fills that gap by allowing family violence victims to take paid or unpaid leave from their job for specified reasons, and in my testimony I also include language that restores two of the provisions that CCADV and Legal Services developed: One to enhance the confidentiality of information about family violence obtained by the employer, and the other which Kathy Emmett already talked about has a serious remedy section for employers who violence Section 14 of the act.

REP. FOX: Thank you very much for your testimony today, and we will be working on this section of the proposed bill in order to try to make it stronger, make it meet the needs of what we're striving for, and we may contact you going forward as we work on this.

Are there any questions from members of either Committee? Thank you very much.

Mary-Ann Langton I believe already testified, so it's Lucy Potter followed by Jennifer Morgan.

Good afternoon.

LUCY POTTER: Good afternoon Members of the Judiciary and Human Services Committee. I'm Lucy Potter. I'm also from Legal Aid in Hartford. We're testifying about three support bills that are on today, 368, 446, and 449.

368, the essence of this has been raised in the two past years, and it's got some very important provisions that really would improve child support. I'm not sure exactly what all went into its not going forward in the two previous years, but it really would be a big improvement for child support recipients of electronic income withholding, and also authority to allow Marshals to serve capias on people when they're in court on other matters. Both of those would be significant improvements.

Senate Bill 446 has a provision that I'm very concerned about. Sections 11 and 12 repeal the Connecticut exemption from income withholding for people who are having their income attached for child support. There is a federal exemption, but the federal exemption protects (inaudible). It protects between 35 and 50 percent of a person's income.

The Connecticut exemption is a very important provision for low income people. It protects -- and the reason why the support enforcement

REP. WALKER: Thank you.

LUCY POTTER: Thank you.

REP. FOX: Thank you, and thank you for your testimony.

Next is Jennifer Morgan. Is she still here? Okay. If not, Kathryn Pawlik and Andrea Dahms from the Domestic Violence Crisis Center.

KATHRYN PAWLIK: Good afternoon.

REP. FOX: Good afternoon.

KATHRYN PAWLIK: Thank you for the opportunity to testify in support of enhancing information sharing between civil and criminal courts.

HB 5497

Proposed legislation if enacted would encourage civil court judges to take notice of an alleged abuser's past or pending domestic violence criminal charges. While we agree that facilitating information sharing between civil and criminal courts is in the best interest of victims of domestic violence in the state of Connecticut, we would suggest that the Legislature consider taking a more comprehensive approach and create integrated domestic violence courts.

An Integrated Domestic Violence Court model empowers a single judge with the authority to handle family, criminal and matrimonial matters with criminal allegations of domestic violence forming the threshold requirement for entry into the IDV Court. The IDV Court model provides an opportunity to address the myriad of inter-related family problems that may bring into the court system in a comprehensive manner while providing integrated service

delivery and improving both court efficiency and informed judicial decision-making.

REP. FOX: I'm sorry. Before you began, we had double speak, and I forgot to have you -- you have to introduce yourself before you speak because otherwise the tape can't tell who's who, so I'm sorry about that.

KATHRYN PAWLIK: My name is Katie Pawlik.

REP. FOX: And, you were the one who was just speaking?

KATHRYN PAWLIK: Yes (inaudible). I'll continue. I just (inaudible) IDV Court.

Victim safety, offender accountability as well as trained and educated personnel are the cornerstones of the IDV Court model that combine to facilitate the court's ability to handle family matters in a consistent and comprehensive manner. Each IDV would form relationships with a variety of stakeholder agencies, organizations, and social service providers, including victim advocates and counselors. One court would monitor offenders in both criminal and family contexts, and offenders' compliance with court-mandated programs would be immediately communicated to one judge hearing all matters. And, intensive domestic violence training would be provided to relevant judges and staff in order to keep all personnel abreast of the latest research and best practices in the field.

We believe this should be the approach that the Connecticut Assembly should model its information sharing efforts on as it is the model that provides the most comprehensive and coordinated community response to domestic

violence, and we urge both Committees to enact legislation that begins to move Connecticut towards this best practice system.

Thank you for your attention in this matter, and should you have any questions, we'll be happy to try to answer them.

REP. FOX: Thank you. And, Andrea, did you want to say a few words?

ANDREA DAHMS: Good afternoon. My name is Andrea Dahms. I work in the capacity of a victim advocate with the Domestic Violence Crisis Center in Stamford.1.

HB 5497

Thank you for the opportunity to testify in support of creating an option to extend criminal orders of protection for victims of domestic violence beyond the disposition of the abuser's criminal court case.

As advocates working with victims whose abusers have been charged with domestic violence crimes, one of the most important safety planning tools we have available to us is the option to request that the court issue an order of protection. Protection orders enhance victim safety by, among other things, prohibiting certain actions that are either detrimental to the emotional well-being of the victim or place the victim in jeopardy of further physical assault that would otherwise be permissible.

Part of guiding victims through the criminal justice system necessarily includes discussing any proposed disposition of the criminal case and how that proposed disposition might impact their safety. The primary concern most victims present during these conversations is

whether they will continue to have that enforceable order of protection.

Under the current law, orders of protection expire at the end of a Defendant's criminal court case. While victims do have the option of requesting a Standing Criminal Restraining Order, these orders are available only post-conviction. With 75 to 90 percent of domestic violence cases in our service area being disposed of through diversionary methods, these orders are not options the vast majority of our clients have available to them. For a variety of reasons, judges are cautious about granting lifetime orders, and not all of our clients are sure they require such lifetime protection. For victims of domestic violence who find themselves in these situations but who are nevertheless not yet ready for the order of protection to expire, the disposition of the criminal court case creates a significant gap in safety planning.

Some prosecutors have attempted to address this gap by assigning protections as conditions of probation. However, enforcement of these conditions is problematic for victims as police departments do not have the same authority to enforce conditions of probation as they do orders of protection.

Advocates have further attempted to address the gap by requesting that cases in which victims have continued safety concerns be kept open for monitoring. In these situations, cases might languish on the docket for no other reason than to continue the order of protection.

As we all are aware, the disposition of a criminal case has the potential to put any

victim of domestic violence in a very precarious situation. All too often victims report that although things at home had been progressing positively throughout the pendency of the case, as soon as the case is ended, the abuse began anew, many times worse than before. This, unfortunately, is how the cycle of domestic violence works.

We urge you to give victims of domestic violence in Connecticut the option of requesting that their orders of protection be extended beyond the disposition of their abuser's court case.

To summarize, this legislative change would enhance victim safety in the following manner:

A victim would be able to support a diversionary program disposition for the abuser without fear that this support necessarily eliminated the option of requesting an extension of the order of protection. It would decrease the number of cases prosecutors seek to keep open for monitoring based on a victim's safety concerns. Prosecutors would be able to request an order of protection continue through a Defendant's probation, enforceable by law enforcement, as opposed to assigning unenforceable protections. And, Standing Criminal Restraining Orders tend to be an all or nothing option and available in only a limited number of cases. Creating the possibility to extend an order of protection beyond the disposition of the case would grant judges an intermediate option available in a greater number of situations, enhancing the safety planning of a greater number of victims.

Thank you.

REP. FOX: Thank you very much, and thank you for taking the time to come here today. I don't know if it came out, but you're respectively the victim advocates for Stamford and the Norwalk courts, and I know that it can be a long drive to get here and to sit here all day, but I hope it was beneficial to you as well to hear what other people are saying throughout the state.

And, a couple of things that are in this bill came directly from discussions I had with you, and I hope that you see that it does have an impact and it is important for Legislators to make sure that when we pass these bills that they actually work for the people who are actually, you know, on the front lines handling these cases, and that going forward that we're doing something that makes the system work better, and specifically I'm talking about extending the protective order during the period of probation. That was something that came from you, and it seems to be a good idea to everybody who I presented it to, and the language is in there.

And, you mentioned, you know, you talked about how during periods of -- when there's a period of probation, it's not the same as a protective order. And, can you just elaborate a little more on what you mean by that?

ANDREA DAHMS: Sure. Protective orders end at the end of the criminal court case, so whether the case is dismissed or nolle, at that point the protective order is gone.

Even if the Defendant pleads guilty to a crime and is sentenced, the protective order ends at

that time, so if he's, say, given a suspended sentence and put on a period of probation, what the prosecutors are doing is placing as conditions of probation that, for example, that an abuser not commit any threats or violence against the victim, or that as a condition of probation, the abuser stay away from their home, or as a condition of probation, that the abuser have no contact with the victim.

And, these are great. They tell an abuser these are things that you're not supposed to do, but what happens is a victim then calls the police department and says, "Well, he's supposed to not contact me, but he's calling me," and the police say, "Well, we don't have an order of protection." They can't enforce the conditions of probation, and so victims are then left trying to fight it out with probation to violate them for these conditions that have been set at probation.

REP. FOX: And, sometimes those conditions are set on a misdemeanor plea which is not -- does not have the same effect as a violation of a protective order anyway, so the worst they would be facing is the violation of probation on a misdemeanor --

ANDREA DAHMS: Correct.

REP. FOX: -- as opposed to this potential added violation of the protective order.

ANDREA DAHMS: (Inaudible) I believe.

REP. FOX: At least, yes, yes.

Are there any other questions? Thank you so much for coming today.

KATHRYN PAWLIK: Thank you.

ANDREA DAHMS: Thank you.

REP. FOX: I was told Jennifer Morgan is back in the room.

JENNIFER MORGAN: Good afternoon. Thank you for allowing me to speak and share with you my story.

HB 5497

"Laws are made for men of ordinary understanding and should, therefore, be construed by the ordinary rules of common sense. Their meaning is not to be sought for metaphysical subtleties. The end of law is not to abolish or to restrain but to preserve and enlarge freedom for in all the states of created beings capable of law. Where there is no law, there is no freedom."

Quotes on the wall of the entrance to the Manchester Superior courthouse, quotes that I read over and over again as I waited nervously with my friends and family for the hearing at sentencing for my assailant. The father of my youngest son attacked me in a home invasion February 25th, 2009.

That day will forever be burned in my memory as the scariest night of my life. I can only describe the fear and horror I witnessed that night. And, it was awful. Glass shattered from a 240-pound man throwing himself into my home after he climbed an extension ladder to gain access in. I was choked up against a door, then thrown from wall to floor, then back up again only to be slammed down again. I had a neighbor with me that night and luckily I was saved. I made it away from my

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

assailant just long enough to call 911. I called and I screamed, screamed for my life. I did not believe I was going to make it out.

I did make it out. I made it out, and I cannot tell you how terrible my life has been since I made it out of that attack. Call it depression, call it survivor's remorse, call it what you will. Most days I'm so thankful I'm alive, but there are days like this past Friday that I wish I never made it out. I'm just so sick of the painful reminder of what has happened to me. I know deep down I should never be so selfish and ungrateful that I survived, but when I look at what my life is like, there are days I wish I didn't wake up.

This past Thursday, I lost my job, one I worked so hard to get. I lost it because I have been so physically sick from the stress of this tragedy. I suffer migraines, and they have crippled me more times than I can count. The numerous court dates that I have had to go to to ensure I wasn't missing anything, it all took its toll. My boss couldn't have a liability such as myself in their workplace.

You see, maybe that wouldn't be so bad if only this past Friday justice had been served, but it wasn't. My assailant was on for a pre-trial December 8, 2009, which was continued until what I was notified as February 8th, 2010. This date was set off the record. Yet on January 12th, 2010, the Defendant accepted a plea bargain smaller than the one previously denied by the same judge on the bench and was sentenced. I unknowingly was at work and didn't hear of this until my advocate called me at work. I found out that day that the man who climbed one of four ladders chained to my house and tried to kill

me while on probation almost a year before would be back on the streets in about another year's time.

Sleep did not come easy after that. PTSD came back full force, and I've been plagued with distraught ever since. My once private life now had to go public as I reached for help of the media to see if anything could be changed.

It turned out there was a sliver of hope. The sentence had been stayed for reasons not made public. I had one last chance to plea to the judge that this was not the best negotiation for anyone. My family, including my two very young sons, needed more time to heal and to be safe.

Minutes before the hearing, the prosecutor came out of his office with a sly look as he said that the judge who had originally heard this case and was scheduled to hear it that day now would not hear it. I had to go before another judge. Even I knew what that meant. No matter how loud I begged or screamed for my life, nothing could be done. Judges do not change another's ruling.

I got before the court and read my statement. I cried, even spoke of my disgust about what the prosecutor had done behind my back. I begged even though I knew it was pointless. In the end, nothing changed. Nothing was done to help me. The original charges ranging from Class A felony home invasion, burglary first, assault and four other charges were pled down, pled down to burglary second and unlawful restraint in the first. A five-year sentence was suspended after three years served with time already served was handed down.

My death sentence, as I refer to it, was given to me.

If there are going to be laws made to protect the innocent, we need to uphold them. There need to be consequences for those who break them, especially repeat offenders, not just the criminals, but those in charge of putting such criminals away.

My despair now comes from a deeper level. Yes, I was the victim of violence, domestic violence, but now I'm also a victim of judicial misconduct. Not only have my civilian rights been violated, my constitutional rights have been violated because I was never notified of the proceedings in my assailant's case.

I asked my mother once before did I have to die for there to be any justice, and the sad truth be told is yes. There probably would have been more scrutiny over this whole story, but I didn't die, and there will not be a day that goes by that I don't suffer, and I don't think about those who couldn't make it out. There's not a day that goes by that I don't think about ways to help those who need it. There needs to be more security in the state. What kind of person could attempt to kill the mother of their child, someone they lived a life with?

When you flip a coin for a second, just think what kind of a person could read a file about such an attack, then push it aside because it was just domestic?

REP. LAWLOR: Well, first of all, thank you for coming in and sharing this story with us. As you might have heard me say earlier, a lot of

times it's people's personal stories that have the biggest impact on legislators and others as we try to figure out how to fix what's broken with the system.

I just had a couple of questions about your case and, again, this is a public forum and, you know, what you're saying is being broadcast publicly, so, you know, I'm not asking you to share anything you don't want to share, but you mentioned during the course of your testimony that your employer has taken your job away basically because of all of the time you've spent dealing with this case. Is that right?

JENNIFER MORGAN: I have become a liability to the practice, yes.

REP. LAWLOR: I just want to make you aware in case you're not that there's a specific state law that says an employer may not in any way penalize an employee for their attendance in court, meeting with the police, doing anything else, so that you're aware that there's a law that says that that type of conduct is illegal on the part of an employer?

JENNIFER MORGAN: I'm aware of it.

REP. LAWLOR: Okay. Well, if, in fact, you got fired because you spent too much time dealing with the case, that's actually illegal, so I just wanted to make sure you knew that.

And, the other thing is, I think I understand what you said about the whole idea that the court went forward, the prosecutor together with the judge went forward with a sentence that you thought was inappropriate, but do you feel you had a fair opportunity to talk to the

prosecutor and talk to the judge in court  
about that, or not?

JENNIFER MORGAN: Certainly not.

REP. LAWLOR: How come?

JENNIFER MORGAN: They called the case ahead  
without me. The transcript proves that they  
didn't even ask if there was (inaudible) who  
wanted to speak.

REP. LAWLOR: So the case was already done before  
you knew about it? Is that right?

JENNIFER MORGAN: Uh-huh.

REP. LAWLOR: And, did they ever say why they  
didn't call you?

JENNIFER MORGAN: I have not gotten an answer yet.

REP. LAWLOR: Because technically that's illegal,  
too. So, I don't know if you tried to reach  
out for some assistance with the -- were the  
victim advocates helpful to you in this case?

JENNIFER MORGAN: Yes, absolutely. And, I spoke  
out one time November to 2009, I spoke out to  
the judge about the plea, and he actually  
denied it and then granted a smaller one in  
January when I did not know about the court  
date.

REP. LAWLOR: Okay.

JENNIFER MORGAN: And they didn't ask does the  
victim want to say anything. I know my rights  
were extremely violated right then.

REP. LAWLOR: At a bare minimum, I just want you to

know this, that you have a right to file a complaint against the judge with the Judicial Review Council. You have a right to file a complaint against the prosecutor with the Criminal Justice Commission. They have the final say, and judicial review can do everything up to and including removing a judge from the bench, and the Criminal Justice Commission can deny reappointment to prosecutors, et cetera, et cetera, and so if you feel that this happened, I would encourage you to communicate with them and explain the circumstances, or potentially you could ask to meet with someone from the Chief State's Attorney's Office, or something, to convey your concerns because I think this type of conduct is what these laws were designed to prevent from happening, and if it did happen -- and you know better than I because you were there and I wasn't -- but if it did happen, you know, your coming here, that's very important, and we have the ability to do our own follow-up, but I would encourage you to go to those two places as well. Okay?

Are there any other questions from members of the Committee? Representative Hewett?

REP. HEWETT: Good evening. First of all, I'd just like to thank you for coming before us today because I know it took quite a bit for you to do that, and I can tell by the way you were talking that this is something that you live every day.

I'm pretty sure that you -- and I don't want to upset you in any way, but about five days ago, a very, very dear friend of mine down in Groton, Connecticut -- I know you remember the case where the lady was found in the refrigerator. This was someone that I worked

with about 15 years ago, and we were real, real close friends, and I didn't find out until two days ago that that's who it was because I kept hearing a different name. I kept hearing the name Maddie, and her name was Madelyn, and so I just can't help from thinking if a lot of these laws would have been in place today, that that could have been prevented, and until society as a whole stops treating people like second-class citizens, we might be able to get something done because, you know, you go before a judge -- and I'm not saying -- I don't know what happened in the case, but like the Chairman said, you only know what happened.

And, we've just to stop treating people like second-class citizens and treat everybody fair, and for that, these laws that are on here, I'm going to vote for them if you think that this is going, you know, to make you a lot safer in your house. Thank you.

REP. LAWLOR: Are there any further questions?  
Representative Green?

REP. GREEN: Thank you. I also want to share the sentiments of Representative Lawlor and, you know, feel free if you're not comfortable in answering some of these questions.

I just want to try to get a sense of some of the court proceedings. You say you went to court a number of times. How many times did you go to court on this case?

JENNIFER MORGAN: I went from the initial arraignment the day after to the next day when he was re-arraigned. There were more charges in August, in September and October and November. I didn't go to the December hearing

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

when I was told he wasn't even brought up. It was an automatic continuance. I didn't go. I stayed at work for that day, and then this past Friday.

REP. GREEN: And, you also mention in your statement that I think the last day your advocate called. Have you been working with an advocate, a victim advocate, throughout the whole process?

JENNIFER MORGAN: Yes.

REP. GREEN: And, how did you find that service?

JENNIFER MORGAN: I found it extremely helpful. They had been neglected in getting information, which was unfortunate, because I felt that if the prosecution and the advocate could work a little bit closer, then something could have been done and maybe this could have been prevented. I don't blame it on the advocate for not doing their job because every call I made was answered by them.

REP. GREEN: When you say you went to court and you were in the court, did you find that you had to spend a whole day or that anybody tried to address what case you were in, and did you say (inaudible)? In a sense I'm trying to get a sense of -- a lot of times you go into court and you just sort of wait around, versus somebody giving you some attention and saying, you know, "You're here for this case," you know, maybe bring it up sooner so possibly you don't have to sit there all day?

JENNIFER MORGAN: Well, I was pretty proactive about it when I would go in. I knew who to check in with. I asked to speak with those two immediately. I tried to get it in and out

as quickly as possible.

REP. GREEN: You mentioned there was a plea bargain and that there was a five-year sentence suspended after three years and time served. Time served, of course, if the person spent three years waiting for the case?

JENNIFER MORGAN: No. He got credit for his time served. Excuse me on that. He has already spent 12 and a half months in prison.

REP. GREEN: So the person is still incarcerated?

JENNIFER MORGAN: Yes.

REP. GREEN: Okay. Thank you. I just wanted -- I wasn't sure if that meant time served and they let him out that day.

JENNIFER MORGAN: No.

REP. GREEN: Fine. Thank you, Mr. Chairman.

REP. FOX: Thank you. Representative Fritz?

REP. FRITZ: Thank you, Mr. Chairman. I thank you for your courage today.

I want to ask you -- it troubles me that what you're saying about if somebody is on probation, then the protective order is gone, or once there has been a decision made or a judgment made by the court.

Have you any suggestion that perhaps we need to do an automatic protective order if one of these people get out on probation or something to that effect?

JENNIFER MORGAN: I have actually for a standing

criminal restraining order, which I was granted upon -- actually, it was granted two months before I knew it. That was the original sentence. The sentence as stayed.

I was granted a standing criminal restraining order which, yes, by law, by the books, the (inaudible). It's just a piece of paper. I mean, I would feel much more secure -- and I did tell this to the judge -- that I believe that the GPS tracking system is imperative. I don't want to die. I don't want to be a victim for my family. That was not my goal, and it's not my goal ever. I want to know that I'm protected. He was on probation, and he violated his probation with (inaudible).

When he performed this attack, I cannot be sound, you know, in my life, knowing that there could be something protecting me, but we're not going to use it.

REP. FOX: Thank you. Are there any other questions? Thank you very much for your testimony today.

Next is Erika Tindill. Good afternoon, Erika.

ERIKA TINDILL: Good afternoon, Representative Fox, Senator Kissel, Representative Mae Flexer, and Members of the Human Services and Judiciary Committees. My name is Erika Tindill. I'm the Executive Director of the Connecticut Coalition Against Domestic Violence, and I'm here today to express support for House Bills 5246, 5497 and 448 and to oppose House Bill 5496.

I'd like to thank Speaker Donovan and Representative Flexer and members of the Domestic Violence Task Force for their

commitment to proposing legislation that is responsive to survivors of domestic violence in Connecticut.

Let me start by saying that to insist that an attorney only use three minutes on so many bills with a number of sections that impact her organization is a bit much to ask, but rules are rules, so I will keep my remarks brief and ask that you give very thoughtful consideration to the written testimony that I've submitted which outlines some of these comments in greater detail.

CCADV and its member programs support House Bills 5246, an act concerning distribution of the marriage license surcharge and changes to the landlord and tenant statutes to benefit -- here comes the domestic violence -- specifically the following provisions, specifically the following provisions.

Section 1 of this bill requires annual distribution of marriage license surcharge fees that are specifically earmarked for allocations to CCADV member programs for, quote, shelter services for victims of household abuse.

Passage of this section would prevent DSS from retaining these funds indefinitely, as is now allowable, although unintended, under the current statutory language.

Section 2 allows a victim of domestic violence to quickly and safely terminate a rental agreement in order to relocate without exorbitant cost. This section also provides a means of housing assistance in the form of rent deferral for a tenant experiencing domestic violence.

Section 8 of the bill calls for the appropriation of money to support 24/7 staffing at shelters. We're asking that that appropriation be in the amount of \$3 million, a bargain considering the tens of millions of dollars it cost Connecticut businesses and tax payers in lost productivity, unemployment, health care, lost earnings, education, and quality of life. And I believe you've heard from several survivors and other participants today that also demonstrate that.

CCADV and its member programs also support House Bill 448, an act concerning applications for relief from physical abuse by a family or household member. This bill makes the technical change of requiring a petitioner for a civil restraining order to include in their affidavit a statement that they meet the statutorily defined relationship and threat in order to be granted relief.

We support House Bill 5497, an act concerning the recommendations of the Speaker of The House of Representatives' Task Force on Domestic Violence. This wide-ranging bill calls for greater coordination by civil and criminal courts addressing domestic violence cases involving the same parties and increased employment protections for victims, electronic monitoring of high-risk perpetrators, an extended look-back period for persistent domestic violence offenders and specialized domestic violence docket courts.

The proposed changes will strengthen the bill. In line 116, which is Section 3b, add "or caretaker" after "parent." This change contemplates persons other than biological parents who have assumed the responsibility

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

for caring for a child. In addition, "or caretaker" should also be added after "parent" in line 752, which is Section 15f for consistency.

In line 194, which is Section 3f, replace "and" with "and/or" so that a high-risk offender could be subject to electronic monitoring even where there has been no violation of an order of protection. We know that in many cases there is not a previous order of protection.

And, under Section 14, subsection (h), we propose adding language that provides an employee with a course of civil action if an employer violates subsection (d) of this section, and that proposed language is included in my written remarks.

Finally, CCADV and its member programs oppose House Bill 5496, an act concerning restraining orders for the protection of family violence victims in the workplace.

While the intention is to assist victims by allowing their employers to obtain a civil restraining order on their behalf, this proposed legislation is flawed on many levels. We would instead suggest passing the employment protections outline in House Bill 5497.

I'm happy to answer any questions.

REP. FOX: Thank you, and you did a good job coming in within your time, and I know you've been an advocate on this for many years, and we've gotten to know you, and you've been very influential in terms of getting some of your proposals into these bills, so we'll continue

to work with you.

ERIKA TINDILL: Thank you.

REP. FOX: Any questions? Representative Green?

REP. GREEN: Thank you, Mr. Chair.

Just a question on -- you mentioned one of the lines -- and I'm not sure which one -- that you wanted to change the "and" to an "and/or," and it sounded like you would say that maybe at a first-time order of protection that a person could be put on the GPS. Is that (inaudible)?

HB5497

ERIKA TINDILL: No. That section contemplates that the risk assessment tool look at violation of an order of protection either a civil restraining order or criminal protective order, and a score of a certain level. But, there are many people who are high-risk offenders who may never have had an order of protection, so in other words, they have never been arrested because community members of a victim has not contacted law enforcement or the police, or they have and there hasn't been an arrest, or they have not affirmatively gone to civil court to ask for a restraining order, so by adding the "or," it can be either one of those because as we see with some of these cases, for example, in Alice Morin's case, her soon-to-be ex-husband had received a family violence education program previously (inaudible) completed it, but likely would have scored very high, and so this would help capture those high-risk offenders who -- so that both can be considered, so that they're not just looking at one.

REP. GREEN: Okay. I think I have some concerns

about that, but I'm glad you mentioned -- and I don't know all of the particular details, but, you know, with some of the programming that people go through, whether they complete it successfully or not, that may be something that I think we can look at as also -- because apparently something happened that put him in the family violence program, so, you know, again, that might have been enough to trigger something for us, and I think the assessment -- and I'm not sure if we have it now, but part of it is the assessment I think for all individuals and even maybe go through some of the family violence stuff --

ERIKA TINDILL: Absolutely.

REP. GREEN: -- to go through a risk assessment. Okay. Thank you.

REP. FOX: Are there any other questions? Thank you very much.

Excuse me. I'm sorry. Representative Flexer has a question.

REP. FLEXER: Thank you, Mr. Chair. Good afternoon, Erika.

ERIKA TINDILL: Good afternoon.

REP. FLEXER: Can you just tell me what the first change you mentioned was? I didn't get a chance to write it down as you said it.

ERIKA TINDILL: Line 116, which is in Section 3b.

REP. FLEXER: (Inaudible.)

ERIKA TINDILL: Yes. Add "or caretaker" after "parent," and in that way, it will include

persons who may not be the parent but are solely responsible and have undertaken the responsibility of caring for that child.

And for consistency's sake, in line 752, Section 15f, you would need to add that as well.

REP. FLEXER: Thank you very much.

REP. FOX: Thank you. Thank you very much.

We did receive a request from somebody who has to leave shortly. Abigail True, are you still here?

ABIGAIL A. TRUE: My name is Abigail True, and I am -- and I don't like the term "survivor of domestic violence." I prefer "victor." It may sound funny to you, but it takes a lot to go beyond to not only survive it, but live past it and create an entirely new life for yourself and your children, and to me that represents victory, and I tell my children all the time that in the moment a crime is committed you're a victim. After that, you have a choice. You can be a victim, or you can be a victor, and I raise my kids to believe that you choose to do right, or you choose the consequences.

I'm here because a bill was brought forward by Senator Fasano, S.B. 449, regarding the child support in cases of sexual abuse when parental rights are terminated. Support should continue.

Thirteen years ago, I (inaudible) in the middle of the night in a different state with four children ages six, four, eighteen months, and five months, and I moved across the

confront, and the victim bears a terrible, terrible reputation afterwards. People don't seem to comprehend that a victim is a victim.

She came and had the courage to speak, and at that time, it got passed to another Committee. They never even brought it up. They just let it die, the bill, and I would ask you that you please consider this, at least, just based on her courage to speak. She'd be here today, but she has a kidney infection.

REP. FOX: Thank you very much, and thank you for being here today.

ABIGAIL A. TRUE: Thank you.

REP. FOX: Next is Dianna Langston. Hi. Good afternoon.

DIANNA LANGSTON: Good afternoon. Good morning -- afternoon, yes. It's just after 4:00 o'clock. Good afternoon.

HB 5246  
HB 5497

I originally wrote, "Good morning, Senator McDonald, Senator Doyle, Representative Walker, Representative Lawlor, and Members of the Human Services and Judiciary Committees." I realize not everyone that I just said is now sitting here, but good afternoon.

My name is Dianna Langston, and I'm an adult advocate at New Horizons Domestic Violence Services in Middletown, Connecticut. I'm here today to support the domestic violence task force recommendations and to persuade you to allocate additional funds for 24-hour coverage at domestic violence shelters. With that said, I would like to tell you all about a woman I am currently working with who is amazing. I was here a couple of weeks ago,

and I also spoke about this same woman.

On December 2nd, 2009, our agency sheltered a woman and her three teen-age children. I will identify this woman as Ann for confidentiality purposes. Anne and her three children have been through more trauma than any client I have had thus far. For the first time in 18 years, Anne, being married to an extremely abusive husband, was able to safely leave her home.

Anne has tried to leave several times in the past and attempted to seek help but continually fell through the cracks. Anne and her oldest child are also undocumented immigrants. Anne taught herself how to speak English by watching cartoons with her children because her husband isolated her from the rest of the world.

Nearly every day of Anne's marriage, she was degraded, beaten and raped. Until the day Anne left, all three children were emotionally and physically abused as well. After over a two-months wait, Anne is currently working with an attorney who is helping her and her daughter file for a U VISA to gain residency. Without this visa, Anne and her daughter would never be able to attend college in the future and live their dreams of a better life.

Anne's next step is to begin divorce and custody proceedings with Connecticut Legal Services so that Anne and her children can finally break the rest of their ties to a man each of them wishes to forget.

Anne is one of many survivors the 18 domestic violence programs in Connecticut see every day. With our help, Anne and her three

teen-age children will eventually be able to move out of the shelter and on to a violence-free life. For Anne, that day cannot come soon enough.

Anne and her children along with many others would never be able to break the cycle of domestic violence and safely be freed if not for the services of domestic violence programs and laws designed to protect her. Today I ask you to consider moving forward with Raised Bills 5246 and 5497.

And also about Anne, she had gotten two restraining orders, one was in 2001, and was canceled after one day because they did not have an interpreter for her -- this is out of state -- to interpret for her, her story, and it was discontinued, and he was allowed to come home.

The second one is still in place today, and he continually stalked her, and I know that if she had electronic monitoring, she and her children would have more peace of mind, knowing where he is at all times because she had no idea where he would continually pop up. If it wasn't for her neighbors watching out for her the day he tried to break in, then he was arrested, so that's it.

REP. FOX: I don't think that was a reaction to your testimony.

DIANNA LANGSTON: I'm sorry.

REP. FOX: I'm sorry. Does anybody have any questions, any members of the Committee? I'm not questioning what's going on outside, actually. I'm afraid to go out there.

DIANNA LANGSTON: It's okay. It's quite loud.

REP. FOX: Okay, thanks. I do thank you for coming today, and it is important that you bring forward these stories that you have experienced through your work because it really helps us to put a face on what we're doing here, and it is helpful, so thank you very much.

DIANNA LANGSTON: Thank you.

REP. FOX: Next is Cathy Zeiner. Did I pronounce your name correctly?

CATHY ZEINER: Zeiner.

REP. FOX: Zeiner. Sorry about that.

CATHY ZEINER: That's all right. No problem.

HB 5246

Good afternoon. I was on the flex list, Representative Fox. I am Cathy Zeiner, Executive Director of the Women's Center of Southeastern Connecticut. We serve approximately 6,000 victims of domestic violence in New London County every year, and for years we were one of the last three domestic violence shelters with 24-hour paid staff and, unfortunately, about a year and a half ago, because of the lack of funding, we had to cut our staffing back to 9:00 to 5:00 on weekdays.

And, after that change, we witnessed residents who sunk back into substance abuse and lost their children and used emergency rooms for relatively minor health problems, and ultimately they returned to their abusers, all because we weren't there to help the victims work through their fears and insecurities and

how these funds are used, they wind up short-changing essential services in some programs and paying for less essential acquisitions in others. This is a very inefficient way to allocate limited resources.

Each program should be granted the discretion to use the money in support of shelter services as their unique circumstances dictate. The resources also need to be provided on a timely basis, not years after they were collected or six months after a spending plan has been approved.

This is a solution that won't cost the state additional money but will assist domestic violence programs in providing victims with the best emergency resources and services available so, therefore, I respectfully request that you support Bill 5246.

Thank you.

REP. FOX: Thank you very much. Are there any questions? None. Thank you.

CATHY ZEINER: Thank you.

REP. FOX: Next is Michelle Katz. Hi. Good afternoon.

MICHELLE KATZ: My name is Michelle Katz. I am a law student from a law school, and I work closely with Diane Rosenfeld, a Lecturer at the law school in the domestic violence clinic. I'm here to present a statement of hers in support of Bill Number 5497.

Honorable Members of the Judiciary and Human Services Committees, we write in support of your efforts to strengthen Connecticut's

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

Domestic Violence laws and appreciate how seriously you are considering the safety of victims in your state. These brief comments are offered to highlight the importance of the use of GPS electronic monitoring of high-risk domestic violence offenders in conjunction with a coordinated community response that focuses on victim safety and offender accountability. Only by securing all the cracks in the current system will a victim of domestic violence be safe and able to live free from the threat of future violence.

While the current bill offers electronic monitoring of high-risk offenders, it does not require danger assessments in all domestic violence cases. We strongly urge you to add a requirement to provide for danger assessments in all domestic violence cases to identify potentially lethal cases. Moreover when a case is identified as high-risk, the legislation should provide for GPS electronic monitoring using the best available technology. Incarceration must remain an option, and the GPS monitoring option should be regarded as part of a graduated sanction. These measures will strengthen the criminal justice system response to domestic violence and potentially prevent the case from escalating into a homicide.

I know you are familiar with the death of Tiana Notice, and she will receive (inaudible). On the other hand, on March 12th, 2010, Aaron "Garth" Baecker, who had been indicted for attempting to murder his wife in Illinois, cut off the ankle bracelet he was required to wear as a condition of his bail. Law enforcement was able to immediately notify his wife and move her to a safe location, and the offender was located and

apprehended shortly thereafter. Baecker had been put on the GPS monitoring pursuant to the Cindy Bischof Act in Illinois. Cindy Bischof, a well loved real estate broker was killed by an ex-boyfriend who violated an order of protection.

Connecticut can join the 16 states that have already signed GPS legislation and the other states that are on the forefront in the fight to end domestic violence.

Our Gender Violence Clinic has worked with several states to develop effective legislation to strengthen the criminal justice system response to intimate partner violence, and we appreciate the opportunity to work with Connecticut as well. In honor of Tiana Notice's memory, Shengyl Rasim's memory, and to prevent this tragic fate befalling yet another victim of domestic violence homicide, we urge the General Assembly to pass the strongest possible bill using GPS monitoring for domestic violence offenders.

Approximately three women a day are killed in the U.S. by their intimate partners, and domestic violence is extremely predictable and preventable. But it doesn't have to be this way. Our study of domestic violence homicides indicates that the use of danger assessments to identify high-risk cases in combination with GPS electronic monitoring and other offender containment options can effectively stop the violence. Thus, we recommend the use of GPS electronic monitoring for batterers to ensure their compliance with the terms of the order of protection.

Connecticut should enact legislation to provide for GPS electronic monitoring of

batterers to give an order of protection meaning. Many orders of protection are violated, and batterers inflict retributive violence against their partners for trying to leave or seeking help in the justice system. Violations of restraining orders are signs of increased danger and possibly lethality to a battered woman.

The benefits of GPS monitoring are that the technology can provide safety for the batterer's partner, but she doesn't bear the burden of hiding out in a shelter. This will enable her to stay safely at home and go about her daily life without the fear of being re-assaulted.

Additionally, it provides law enforcement with immediate proof of violations so that sanctions can be increased along with any escalation of danger. It will also reveal stalking violations that were previously undetected, and that may reflect lethal danger to the victim.

Every GPS surveillance system for domestic violence offenders should have a few key components in order to ensure that it is able to effectively save lives by providing quick, accurate information to the authorities and victims who need it most.

It should include technology that automatically notifies the victim when the batterer has breached the woman's protected zone or left his inclusion zone. It should enable state officers to respond immediately. It must be worn on a tamper-proof bracelet or ankle bracelet, and I have a couple more points in my -- in our written testimony, but I just want to finish by saying that we

support the Family Violence Education Program. We advocate that an anger management program should be disallowed in favor of batterer's intervention programs, and we would like to specify that GPS should be applied not only to batterers who can afford it, but it also needs to be applied even when the Defendant cannot afford the cost because violent cases do not fall within clear economic categories.

Thank you very much.

REP. FOX: Thank you. Are there any questions from members of the Committee? I have one question.

You've heard testimony today about this proposal with respect to GPS monitoring, and I assume you are looking at other states as well and how they handle it.

MICHELLE KATZ: Right..

REP. FOX: And, one of the states that I'm told uses GPS is Massachusetts.

MICHELLE KATZ: Yes.

REP. FOX: And, can you tell us what's going on there if you know or how what we're proposing compares to some of the other states?

MICHELLE KATZ: In Massachusetts, similar except that the cost structure is a little bit different, and that's kind of what we're advocating here. In Massachusetts, the Defendant is required to pay the cost, but it's on a sliding scale, so if the Defendant is not able to pay the cost, then the judge still within his discretion can order GPS monitoring and the state will defray the cost.

They are working with companies that provide the best available technology for eight to twelve dollars a day, and that's what they put it (inaudible) as well, so I'm sure why. Those numbers are just random.

REP. FOX: It's not that far (inaudible).

MICHELLE KATZ: I think they've had a great deal of success. It's purely discretionary, so judges don't have to order it, but (inaudible) to determine which (inaudible). And, I know there's one case specifically in Newburyport in Massachusetts that has created a high-risk team which is (inaudible) and they do a great deal of communication between the police, the probation officers, victim services, the prosecutor, and they also -- they work closely with the victim, and they also have 55 cases with a 91 percent non-recidivism, and they also have every one of their cases that have had GPS monitoring have had no (inaudible).

REP. FOX: And, how long have they had GPS monitoring, do you know?

MICHELLE KATZ: In Massachusetts?

REP. FOX: Yes.

MICHELLE KATZ: I think (inaudible), but I think they've had it for at least the past three or four years.

REP. FOX: Okay. Any questions? Representative Gonzalez?

REP. GONZALEZ: Hello, and good afternoon.

MICHELLE KATZ: Good afternoon.

REP. GONZALEZ: As you said, do they pay between eight and twelve dollars a day?

MICHELLE KATZ: Yes.

REP. GONZALEZ: That's the client, the Defendant?

MICHELLE KATZ: Oh, yes.

REP. GONZALEZ: And, the money goes to?

MICHELLE KATZ: To pay the cost of the GPS  
(inaudible) to pay the company to run it.

REP. GONZALEZ: So you hire -- they hire a company to go run the program?

MICHELLE KATZ: Yes. There are a couple of companies such as (inaudible) and Secure Alert that basically provide an all-inclusive service, so they provide the equipment, and they'll also help with the monitoring and (inaudible).

REP. GONZALEZ: And, is that easy to cut the GPS, you know; the Defendant can cut the GPS?

MICHELLE KATZ: It should not be. It should not be. We're advocating for these the best available technology, which would be tamper-proof basically.

REP. GONZALEZ: And that's very (inaudible) about that company. If a -- whether they -- do they guarantee you on that? There's no guarantee that anybody can cut that GPS (inaudible)?

MICHELLE KATZ: No. I think that should be very rare, and part of what is so useful about GPS is that it acts as a deterrent, and so I think

what's been so useful in Newburyport is that no one has even tried to cut the bracelet. There have been no (inaudible) in the 55 cases, and so while it is effective and it should be very difficult to remove, it also acts as a deterrent to prevent people from even trying to re-assault in the first place.

REP. GONZALEZ: Thank you.

REP. FOX: Are there any other questions? Thank you for taking the time to come to Hartford today and for your testimony.

Next is Raphael Podolsky.

RAPHAEL PODOLSKY: Thank you, Mr. Chairman. My name is Raphael Podolsky. I'm a lawyer with the Legal Assistance Resource Center. It's part of the Legal Aid programs.

I'm here just to speak very briefly in support of one of the bills from the Domestic Violence Task Force, House Bill Number 5246 which deals with housing and domestic violence and, in particular, the cert, Sections 2 through 7 of the bill.

What the bill does is that it provides a couple of forms of very limited relief for victims of domestic violence when the domestic violence impacts their housing either leading to their leaving on short notice or cutting off their financial resources in a way that allows them the possibility of a one-month deferral on rent payments.

What I would note for you about the bill is the way it's drafted, it is -- it's (inaudible) difficult for people to use it, and there are two liberalizations that you

REP. FOX: The next is Linsey Walters followed by Alvin Notice.

Hi. Good afternoon.

LINSEY WALTERS: Good afternoon. My name is Linsey Walters. I am the Community Services Director for Meriden Wallingford Chrysalis. We are a non-profit agency serving domestic violence victims in the communities of Meriden and Wallingford.

I'm here today to testify in support of amending Connecticut General Statute 54-85b to expand employment protections for victims of family violence which is presented in Raised Bill 5497, Sections 13 and 14.

Currently, employment protections are limited to granting a victim the right to attend hearings and criminal court proceedings without consequence or threat or penalty or termination. Unfortunately, this isn't enough. Victims need to access support well beyond court-related activities. Family violence victims risk being dismissed from their job if they take unauthorized time for essential advocacy related activities, relocation assistance, and/or medical or psychological care.

From my own advocacy work with a community client, I've seen this firsthand. I currently work with a woman who has two children. She sustains a consistent work history. She has moved her way up in the current company that she's employed with. She remains the financial supporter of her family, and her abusive partner has a track record of unemployment.

Just before the holidays, there was a violent incident where the abuser was arrested and a protective order was issued to put him out of the home. In addition to participating in multiple hearings for the initial charge and violation of the protective order, my client has had to take time off from work to meet with DCF workers, apply for and attend restraining order hearings, file for child support, and work out visitation and custody agreements. And, again, like all kids or all parents or children, her children get sick. They've had school cancellations, and I'm going to go too much further into her story, but basically the most alarming piece for me as I met recently with my client, and safety plans with her tried to see if she could seek some support within her employment. She talked with someone else within her -- with her agents or with the company that she works for, and the pressure that she is getting is from the company owner to not take any more time off. She is within the -- within his direct supervision, and so there seems to be a lack of areas from where she can get some help.

She fears that her work is suffering because she can't attend counseling appointments. She has limited child care, so she goes to work daily with this fear of being dismissed, and if the protections were there, she wouldn't have this extra anxiety, this extra kind of burden to bear.

A quarter of battered women according to the National Employment Law Project have to quit or leave the work force partially due to domestic violence, and so my request today is to assist these victims in getting the help

that they need while they're maintaining their employment.

REP. FOX: Thank you very much for your testimony this afternoon. I know the Committee members are bouncing all over. The Education Committee has got a big meeting going; the Transportation Committee had one earlier. But, we do all have your testimony, and we'll get a chance to look at it. I also know that you have a very strong advocate in Meriden in Speaker Donovan as well as Representative Fritz from Wallingford, so you have a number of people who really are on your behalf and on these issues.

Are there any questions? Representative Hamm?

REP. HAMM: This question has been on my mind, and I needed to ask it of an advocate because it's I think kind of a systems question.

What is your best advocacy and argument for why domestic violence victims should be treated differently and have a higher standard of statutory protection than other victims of crime as it relates specifically the employer protection that you're testifying about?

I ask you that because people are mugged every day, murders are happening, and it impacts how you have to take time off for court, all of the same issues that you're describing here, and yet those people don't have the level of statutory protection that you're seeking.

And just to give you a personal circumstance, in my district of Middletown, we just had a huge Kleen Energy gas explosion which caused the homes along the entire gas plant to be knocked off of their foundations, and the

trauma and the stress of those individuals was pretty serious, and there's no recourse for any kind of protection coming for those victims.

So, what I'm struggling with is why this issue should rise to the level of statutory protection when so many others don't.

LINSEY WALTERS: Absolutely. I can only speak, you know, on behalf of myself and my agency, but the complexity of domestic violence goes beyond just the initial assault, and though tragic things happen to individuals daily, I think the fact is -- and it gets more complex while children are involved -- is that this individual is going to have to be engaged in some kind of relationship with this person beyond the court hearings, beyond just the issues around the criminal case.

She will need the advocacy and the support and the (inaudible) to begin to heal from, you know, the amount of trauma that she has dealt with, and I know I'm not necessarily answering your question directly as to why is a domestic violence victim versus anyone else, but there are many complexities I think that issue for individual victims that put them, I want to say, just in a different category. It's just a different category of victimization, and so, you know, it's something I'm passionate about, and I think in order for individuals to kind of get the support that they need to move forward, they need more support.

REP. HAMM: Thank you for your comments.

REP. FOX: Any other questions or comments? Thank you very much for your testimony.

Next is Alvin Notice. Is Sally Zanger still here?

ALVIN A. NOTICE: Thank you for this opportunity (inaudible) Representative Flexer, Representative Reeves (inaudible).

I've heard a lot of stories this morning, and I want to kind of state my facts a little bit. I've already submitted a statement, so I'm not going to read the statement.

But, I'm here to tell you that I want to support Bill 5246 and its recommendations to protect domestic violence victims. Just the fact that we had a surcharge fund that is sitting for approximately three or four years and domestic violence shelters and (inaudible), they're not getting that money. There's \$800,000 sitting in a fund somewhere, and the shelters could use that, and domestic violence (inaudible) could use that, and it was never given, and it took a couple of profile cases for that to happen, and I'm glad that the funds are distributed amongst the agencies, and I'd like to see that continue.

Landlord protection, that's something that I think is very important that domestic violence victims are able to get a (inaudible) if there's a problem, and that's why we need those shelters.

I'm also here to speak on Bill 5497, and it's related to GPS, and I will read briefly as to what my statement is.

Tiana Angelique Notice was murdered on February 14th. She had taken out a restraining order against her abuser, and on the day she was murdered, she was within five

hours of returning from the police station where she had just dropped off more evidence that he had been in her apartment, and in this case, the previous day. He was repeatedly stalking her prior to finally stabbing her to death. One week after Tiana's murder, probable cause was found, and her abuser was charged with violating the restraining order. Tiana repeatedly went to the police and complained. Nothing was done. While the violations were being investigated, she was murdered.

GPS would have been particularly critical in Tiana's case where law enforcement had failed to protect Tiana adequately and appropriately by following up on Tiana's repeated reports of violations of the restraining order. She could have had GPS monitoring, and that could fill that void.

I know the time is limited, but I'd like to disperse this section if I could.

Had Tiana had access to GPS monitoring, she would have known that her abuser was stalking her and laying in wait at her home. I have been working for the Department of Correction for 28 years as a Deputy Superintendent and also a Crisis Negotiator for the Department of Correction for seven years. I know what it takes to talk someone down. You have to have a deterrent force to meet the challenge. For domestic violence, GPS is an excellent deterrent.

I just want to give you some figures, and I know it was said that GPS cost a lot of money. I want to really focus on this a little bit. Like I said, I work in the prison system. I've been in the prison system for 28 years

not physically, but every day I come and go.

It cost 35,000 to \$40,000 a year to house a prisoner. If we go on the extreme of this GPS system, which is \$25 a day, it would cost \$9,125 to monitor that person.

Now, why put the guy in prison if the opportunity was available to spend \$35,000 to \$40,000 compared to 9,100. That's something you need to look at.

When you look at the actual figures across the world, 1.3 million women are victims of physical assault; 73 percent violence victims are females; 84 percent females are spousal abuse; 86 percent of abuse victims are at the hands of their boyfriends. Historically, females have been most victimized by someone they know, and between the ages of 20 to 24, that's the greatest risk of having an assault.

Now, this is one thing, again, when you look at the numbers, it's 5.8 billion dollars that's spent each year on domestic violence; 4.1 billion is spent for medical and mental services. Let's take a look at that. Additionally, if we're going to put this thing in place, we have to have a danger assessment which allows us to see how we monitor these guys, and I must tell you that going back ten years is not good enough. We need to make that as an open choice.

I've got a driver's record. You can go back to the first time that I had an incident, and you can see my record. A domestic violence case should be that way. Just like the driver's record, you can go back whenever time you started to drive, you can see what violations you committed. I ran it myself,

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

and I was appalled to know my record.

So, let's take a look at not putting a limit, a ten-year limit looking back. Let's leave it open. If you're a violator, you're always a violator. Unless you're liable to do something to protect yourself, if need be, I can provide a demonstration of the GPS system, Senators and Representatives, to show you the capability it has.

And questions asked, what is the pattern for the domestic violence abuser? Why is it so important that we pay attention more to a victim of domestic violence? And, the reason is this is a pattern of behavior that a person uses to control another person, and it's done within the household. It's private, and that's why it's not talked about. And, until we start talking about this, this is not a private issue. This is a public health issue; this is a national issue that we really need to take a good look at it, and for the small amount of money you would spend to protect the person, the victim, I don't think all of the recommendations as set forth here today is much to ask for, and I ask you to support that.

Thank you.

REP. FOX: Thank you very much for your testimony. Are there any questions? Representative Green?

REP. GREEN: Thank you, Mr. Chair. Thank you, Mr. Notice, for coming in to testify.

They had a lot of -- there's some people and some information out there that would say that a GPS might provide a false sense of safety

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

and security for individuals, that it really will not stop someone who is pursuant on violating the law and maybe causing harm.

What's your thoughts on whether or not we might be providing a false sense of security for people?

ALVIN A. NOTICE: My thought on that is there's no false sense of security. Michelle Katz mentioned a case in Illinois where the abuser cut the bracelet off, and he was en route to go to kill his wife. The GPS system notified the victim and the police department, and they were able to protect that female and able to wait for that individual to show up and arrested him.

Now, a false sense of security would be not passing the law for GPS. We have a system that works. And, also, I heard much earlier the recommendation that we should go on a trial basis for three counties, or whatever it is. If you're going to do this thing, let's do it openly. Let's see how it works. And, I must tell you this, that you'll be appalled to see how it works because it's going to protect victims. Victims are going to know what's happening.

And, as far as a false sense of security, there's no false sense of security. We cannot -- we cannot protect people 100 percent, and if there's somebody out there that said that can happen in any field that we do, we're wrong. If guys are in prison, we can't protect them 100 percent, but we do our best to make sure that they're safe, because that's what they pay us for.

But, as far as a victim of domestic violence,

there's no false sense of security. What it gives them is another avenue to use to know that, hey, this guy, this gal or partner, is waiting for you and, therefore, I must do something to protect myself.

REP. GREEN: There's been a lot of discussion about the cost. In Massachusetts, I understand sometimes the perpetrator will bear the cost. There's also been some discussion about what if a person is on that and we're looking for that person to cover the cost of having a GPS and they can't afford it. What kind of things are done to try to reduce the cost to the state?

ALVIN A. NOTICE: Well, one of the things is if you're paying a fee into the fund, the fund is going to rejuvenate itself eventually, but there has to be a start of the cost somewhere. Now, the first thing that someone says is, "What are the costs?". Now, I must say I don't think my daughter's life is worth \$9,100. I don't think so. I will mortgage my house just to make sure that she (inaudible). I will be able to at least know that he was on his way, at least, know that. (Inaudible.) So when a person talks about cost, I want everybody to take a look. One in four females are affected by this. If you count the number of females in here, one in four.

So, if you're saying to me, "My daughter's life is not worth \$9,100, and all of the victims' lives are not worth \$9,100," we ought not to be here today discussing this because it's not worth discussing, and that's what I'm saying here: \$9,100 is not a lot of money to spend especially if you save somebody's life, and if you save one person's life, it's worth it, it's worth it.

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

It's been difficult but, you know, being able to come here tonight and explain what it's like, what it's like to be a father and get a call from a police officer that says, "Your daughter is on her way to the hospital, and she has superficial wounds," and you go to the hospital, and she's dead. There's not much you can explain in that.

We all have fathers, and we all have sisters, and we all have brothers, and we all have mothers. Would you like your mother to be abused, and you know you have something that can work that can help, and you say, "Well, it costs too much money; her life is not worth that much money," and that's where I believe it's wrong. We should never put a cost on what it takes to take care of citizens, you and I. We're violating human rights when we do that, and that's basically my explanation on that.

REP. GREEN: I appreciate your testifying. I know we talked a number of times, and I know it's difficult. I just actually wanted to ask those questions to clarify, and I think really you have made a statement so that we really would understand what we trade off when we talk about the cost and how we're going to pay for it.

In Massachusetts, there seems to be a model that also I think is not necessarily just a police response. Are you -- have you noticed whether or not there's teams of communities that go out there and try to work with communities because one of the things that I think, as you stated, is that a lot of times people think this is a private matter, and we don't talk about it in the community, and I think -- I believe that there needs to be more

awareness and more discussion on that.

Outside of this maybe the police response, what other kinds of efforts have you noticed might work in terms of having the community become aware of this issue and trying to address it?

ALVIN A. NOTICE: Well, one of the things that Massachusetts does, which I think is an excellent idea, the fact that they do have a high-risk group that meets, chiefs of police. I had the opportunity to speak to a group of chiefs of police in Massachusetts and was able to give them my side of the story, and after speaking to them and explaining to them the meaning side of things, most of the police officers don't really understand domestic violence because what they see is a female coming through the door and complaining that she was abused, and nine times out of ten, there are no physical marks because these guys who are doing this abuse on these gals are partners, are good at disguising what they do.

And, just being able to listen to each other's stories -- and that's why the group meets; they share their stories amongst each other -- and determine which cases they need to really focus on, and that helps community-wide and us because you need community policing. Police officers need to get together and talk about these fellows because, like I said, in the past it's a woman's scorned; therefore, she's going to be back with him in two weeks. Yes, there could be a reason for that. She's intimidated to go back because there's no other avenue for her to go to.

She may spend two months or four months in that shelter, but the shelter's not going to

keep her there that long because they have to keep things going, and she has to go back. Who protects her after she leaves? Who protects her? And, that's where if a woman makes it to a shelter, that abuser should be (inaudible) because that's telling me this guy is out of control; let's track him; let's see what he does; let's see if he's going to drive by the shelter; let's see if he's going to stop at her workplace. And, that's what GPS is going to do for us.

My daughter when her car tires were slashed, if she goes to the police, the police officer said to her, "How do I know he slashed your tires? I can't prove it, she can't prove it," but the GPS would have let her know he was in the parking lot, slashing those tires, because it would have shown on the monitor, so those are some of the ways that I think by just exposing what we have as a problem, this is a national problem. I've been talking to a lot of people throughout the country, and this is a national problem, and one of the biggest problems that I see, the first question that's asked, the cost; let's put the cost on this.

So, you're saying, "Let's put the cost of \$9,125 on a person's life," and that shouldn't be. There should be a system where we're saying, "Let's take a look at the problem." The problem is we have people that are abusing, and they're not being held accountable. They take a free ride or they get a free ride, and the victim's lost her life, okay, and she can never walk around without looking behind her shoulder because he could be anywhere, but with a GPS monitor, we'd know he's out there. She would know prior to going up there. And, you know, it's not 100 percent, but if we use it 91 percent,

as a scale that's a good percentage.

REP. GREEN: Thank you. Thank you, Mr. Chair.

REP. LAWLOR: Thank you. Are there other questions? If not, thanks for coming in, Mr. Notice.

You've sent us a number of letters, and we've all read the letters, and I think your advocacy is adding a very important voice to this particular effort this year. You know, this is -- we've always considered domestic violence bills, but this is the first time in my memory, at least, that we've done a major package, trying to take all of the different parts of the system that don't appear to be working well enough and putting them all in the same place, and that's what today's hearing is for, and I'm very confident that when this session is over, even though there are very limited financial resources, that a package of domestic violence bills doing many of the things that you have spoken about here today will be signed into law by the Governor, and in part it's due to your advocacy, so thank you very much for doing that.

ALVIN A. NOTICE: Thank you.

REP. LAWLOR: Next is Andrea Dahms? She's already -- oh, okay. Sally Zanger, and after Ms. Zanger, Michelle Waldner. Is Michelle here? Okay. And then Carmen Saez. Is she here? Okay. Is there anyone else who is planning on testifying? All right. Just go ahead.

SALLY ZANGER: Is this on?

REP. LAWLOR: Yes. It's on when the light's on.

We have been -- to finish up quickly -- we have had communication with the Office of the Probate Court Administrator and with the Department of Mental Health and Addiction Services and understand that they have some small reservations and issues about this particular proposal. We understand from our communications that the issues are small, and we are planning to meet quickly and expect to be able to resolve whatever the difficulties are.

So, that's the main things to say for this. It's very limited. It's not (inaudible).

REP. LAWLOR: Thanks very much. Are there any questions? If not, thank you.

SALLY ZANGER: Thank you.

REP. LAWLOR: Thanks for your patience today.

Next is Michelle Waldner.

MICHELLE WALDNER: Good afternoon. My name is Michelle Waldner, and I'm the Director of New Horizons' domestic violence program in Middletown. It's one of the services of the community health center.

I'm here today to talk about Section 2 of Bill 5497, an act concerning the recommendations of the Speaker of the House of Representatives Task Force on Domestic Violence, and the section refers to anyone who has been charged with violation of an order of protection who is determined to be high-risk to be subject to electronic monitoring.

In my support of this proposal, I would like to refer to the death of a Chester resident,

REP. LAWLOR: There you go.

CARMEN MILARGOS SAEZ: Okay. So I've already -- the bill I'm going to be talking about is the domestic violence bill. I spoke about it before the Education Department. For those of you who don't know who I am, let me start again.

My name is Carmen Milargos Saez. I'm Puerto Rican. I'm from Connecticut. I'm the number one civil rights activist in the state of Connecticut. This is clearly a civil rights issue, so I'm going to address it like a civil rights issue. Okay. Where do I begin?

(HB 5497)

I had to consider if it's the technique that my little Albert Einsteins created, which I love technology. Was it a civil rights violation? I think not because we use it with alcoholics to find out if they're cheating on their liquor, so I'm pretty sure that's not the issue, so we can rule that one out, so I know for a fact it's not a civil rights violation, and I wanted to speak personally to myself the way that I did before the Education Department.

I am going to be 32 years old. I'm not sure that I can even name five relationships I've had that didn't involve domestic violence. I'm pretty much 31 years of domestic violence. That would probably explain why I go to therapy and I'm disabled. That came very, very hard.

My mother went through domestic violence. God bless my father. He was a wonderful father. He passed away from cancer. He was in the Marines. He had a military funeral October of

last year; however, he was probably one of the most abusive people ever.

When I was born, I made it better for my family, but it didn't stop him, and like many women, we don't call the cops, and whether it be by nature or by fear for whatever reason, it wasn't reported, and it got to the point where my father would take it out on my brother his entire life, and right before my brother was about to graduate high school, my brother was one minute late coming home, and my father was so domestically violent that he picked up a metal bat and swung it towards my brother's head, and it broke my brother's hand backwards, and he had a lot of surgery, and his arm will never be the same, so I come from a family of domestic violence on top of the fact that I don't even know a relationship that I've had that didn't involve domestic violence.

Now, due to the fact that I've been a strong woman with my faith and clear enough to not want that for my children, no, I do not allow that around that around my children. As of the time they were born, I was pickier. That's not to say that I've never had any incidents since they were born, but because I'm so protective of them, I've been able to be strong enough to push pretty much everyone which doesn't allow me to really have a relationship because I can't trust anyone.

And, it affects women in a way psychologically and emotionally that there are no words. You're constantly in fear; you never know. I've been smothered by a pillow; I've been threatened with weapons; I've been -- it's a psychological, emotional thing, too. Everything that you could possibly think of

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

could make you feel the most worthlessness. There's a fear that if you call the cops, as soon as they get out or if they think that the cops are coming, they're going to kill you. I've been threatened endlessly. I'm the face of domestic violence. If there's ever a face for domestic violence, it's me.

I've been very lucky. So has my mother, and when this involves my family members and friends, and I really just don't know that many people who haven't been affected by it, so I'm sure the number is more than one in four. They're just not speaking about it.

I think women are already in the minority in the sense we're all over the world, and we're always treated as if we're not important, and the poor children, they have it even worse, and we tend to be the most defenseless of them all, and that's not bashing men because I love men, and I'm always fighting for men, and it's not about that. I'm not sure if something happened to them in their childhood or if they have anger issues they don't know how to realize, and the alcohol and the drugs play a big part in the other problem, which is why I push for mental health and the -- alcohol and drug rehab programs, and to really focus on violent offenders as opposed to non-violent offenders because when you fill up the prisons with non-violent offenders, there's no room for the violent offenders, and then it's a big problem. We have to save lives, and there is no money on a life because there's not a person in the world that's willing to put a price on me or my children, which is worthless, right -- no, we're worth a lot to a lot of people, so I would like other people to be as worth as I am to then and my children are to them as the next person who doesn't

necessarily mean something to them that they didn't mean.

I want to protect children, and I want to protect women. I'm tired of them being scared, and if they're afraid, they shouldn't be penalized. If they call for domestic violence, they shouldn't have to pay for their rape kits. They shouldn't have to lose their insurance because they now have a pre-existing domestic violence issue, and we're just being targeted all around no matter how you look at it not only by the offender, but the system is set up where it's going against the women and the mothers no matter how we look, and it really leaves no way for us to turn to.

I've been strong enough and brave enough to be the face and to really step up this year and say, "Enough." I can't retire. Everybody needs me, and this is why, because when you look at these beautiful children right here, that's worth it, that's the future, and these little kids represent all the little kids. I mean, my daughter, she's black, German, a special trimate of American and Puerto Rican, and Joshua is all Puerto Rican, and between my family, the United Nations, and his father looks like Aladdin, and his family also looks like the range of the United Nations, and so these two kids represent the entire world, just them right there, biologically. You can take a DNA test; it's amazing.

So, I represent everybody, and this is not about religion or faith or creation or atheist or anything. This is about life and women and children are important, and they are defenseless, and it doesn't matter, and then it leads to us feeling like we have to defend ourselves, and then when they do defend

themselves, they end up going to jail as double victims, not only as being abused, but then they get penalized because they're not allowed to defend themselves either, and that's some extra problems.

So, no matter how you look, there's nothing we can do, and I'm going to throw one extra thing for child support. I didn't raise my daughter with her father. He's a good guy, we're best friends, but I had to take him for child support because we can't agree on money, and I want to thank the state for having that system so I never have to talk to him about money because all we would do is fight to this day, and it's amazing, and his child support is little, and still, it drives him crazy.

The other one I didn't have to because he's a real father, and he will buy it, and I don't mean a dollar, and so not everybody has the same situation, so child support is very serious and very important emotionally and psychologically.

And, the last thing I'll say -- because I always have to throw something out there for civil rights before I'm done -- I'm very, very, very, very saddened by the case in Mississippi where the poor girl is being denied going to the prom in a public school because she's gay, and they are bigotry, and that's a hate crime, and they don't understand the violation on so many levels.

I hope to God that this is the case that goes to the civil rights, to the Supreme Court for all 50 cases including the military to end it once and for all, where is the line, because bigotry is bigotry is bigotry, and as a woman, before my kids, while I don't really like to

say my personal life, but, yes, I am part bisexual. I tend to 99 percent love men, but I will marry Angelina Jolie in a heartbeat and Alex Rodriguez, so if I wanted to take Angelina to the prom and they closed down the prom for me, I would be heartbroken, and that would traumatize me, and I would sue everybody.

So, I hope to God that this settles that. That is a civil rights violation on every level, so I hope that everybody realizes enough is enough. Thank you.

REP. LAWLOR: Well, thank you, Carmen, once again. It has been very helpful to us.

Do your children -- do they have anything to say?

CARMEN MILARGOS SAEZ: (Inaudible.) Come on.  
(Inaudible) and say one thing.

REP. LAWLOR: What do you want to say?

JOSHUA MIGUEL CLAUDIO: I am a kid, and I know what kids do, so I would like to protect the kids, too.

REP. LAWLOR: Cool. And, say your name again, because they're going to make a transcript of what you say.

JOSHUA MIGUEL CLAUDIO: My name is Joshua Miguel Claudio.

REP. LAWLOR: Very good. Thanks, Joshua.

CARMEN MILARGOS SAEZ: Melanie Elizabeth Burns, a little shy, but I'm still working on her, but I guarantee you she's the next one.

237

March 15, 2010

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

REP. LAWLOR: She's shy, and she's related to you?

CARMEN MILARGOS SAEZ: Yeah. She gets it from her  
Daddy.

REP. LAWLOR: Okay. All right.

CARMEN MILARGOS SAEZ: All right.

REP. LAWLOR: Well, nice to meet both you guys,  
okay? Thanks for coming in.

CARMEN MILARGOS SAEZ: Thank you.

REP. LAWLOR: You're going down to this rally  
downstairs?

CARMEN MILARGOS SAEZ: And, I'm going to go  
downstairs to support the school and education  
choices. Thank you.

REP. LAWLOR: Good for you. Good for you. Okay.  
Thanks.

CARMEN MILARGOS SAEZ: All right. Bye.

REP. LAWLOR: If there is no one else to testify,  
we'll call the hearing -- is anyone else -- I  
think we got everybody, right? So, if no one  
else would like to testify, we'll call the  
hearing to a close. Thank you all for your  
patience.

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# PCSW

Permanent Commission on the Status of Women

*The State's leading force for women's equality*

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**Written Testimony of  
 The Permanent Commission on the Status of Women  
 Before the  
 Judiciary Committee  
 March 15, 2010**

**Re: S.B. 448, AAC Applications for Relief from Physical Abuse by a Family or Household Member  
 H.B. 5496, AAC Restraining Orders of the Protection of Family Violence Victims in the Workplace  
 H.B. 5497, AAC the Recommendations of the Speaker of the House of Representatives' Task Force on  
 Domestic Violence**

Senator McDonald, Representative Lawlor and members of the committee, thank you for this opportunity to provide testimony in support of the concepts raised in the above referenced bills, which would strengthen Connecticut law to protect women and families from abusers.

Nearly one in five women (19%) considers violence against women the nation's most pressing public health issue. This health issue ranked third after access to affordable, quality health care (37%) and the number of women without health insurance (26%).<sup>1</sup>

Of those victimized by an intimate partner, 85% are women and 15% are men. In other words, women are *5 to 8 times more likely* than men to be victimized by an intimate partner.<sup>2</sup> A large percentage of women worry they or someone they know will be a victim of domestic violence: all American women – 54%; Black women – 60%; Young Women (age 18-29) – 68%.<sup>3</sup>

S.B. 448, would require applicants seeking a restraining order to include: "...an affidavit that alleges a continuous threat of present physical pain or physical injury consistent with the requirement for relief...." Under this provision, it is essential that all factors, such as psychological abuse, be considered in order to ensure that a victim is not denied protection. Psychological abuse is the willful infliction of mental or emotional anguish by threat, humiliation, or other verbal or nonverbal conduct.<sup>4</sup> Some examples of psychological abuse include:<sup>5</sup>

- Denying the victim access to money or economic support.
- Harassing the victim at work or school.
- Threatening to injure, permanently disfigure, or kill the victim and/or loved ones.
- Damaging the victim's property.

<sup>1</sup> YWCA Survey Report, *What Women Want: a National Survey of Priorities and Concerns, December 2008*

<sup>2</sup> Lawrence A. Greenfield et al. (1998). *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*. Bureau of Justice Statistics Factbook. Washington DC: U.S. Department of Justice. NCJ # 167237.

<sup>3</sup> YWCA Survey Report, *What Women Want: a National Survey of Priorities and Concerns, December 2008*

<sup>4</sup> National Committee for the Prevention of Elder Abuse <<http://www.preventelderabuse.org/elderabuse/psychological.html>>

<sup>5</sup> National Coalition Against Domestic Violence, Fact Sheet: Psychological Abuse <<http://www.ncadv.org/files/PsychologicalAbuse.pdf>>

PCSW Testimony before the Judiciary Committee  
March 15, 2010  
Page 2 of 2

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- Preventing the victim from eating, sleeping, or leaving her place of residence.
- Threatening or physically abusing the family pet.

Across Connecticut, domestic violence invades the public and private lives of women, men, and children, impacting families, friends, co-workers, and communities. Domestic violence crosses all socioeconomic and cultural boundaries. Violence occurs in families for whom money is not an issue and for those who have lived in poverty their entire lives. Violence is reported across all ethnic and racial groups. Domestic violence respects no barriers related to age, social status, abilities, sexual preference or religion. The human costs of domestic violence are devastating for individual victims, their children, and their families.<sup>6</sup>

PCSW supports the efforts to make this state safe for women, and we look forward to working with you to do so. Thank you for your consideration.

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<sup>6</sup> CCADV: Impact of Domestic Violence



Michelle S. Cruz, Esq.  
State Victim Advocate

# STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE  
505 HUDSON STREET, HARTFORD, CONNECTICUT 06106

PAGE 9  
LINE 12

**Testimony of Michelle Cruz, Esq., State Victim Advocate  
Judiciary / Human Services Committees  
Monday, March 15, 2010**

Good morning Senator McDonald, Senator Doyle, Representative Lawlor, Representative Walker and distinguished members of the Judiciary and Human Services Committees. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

**Raised Senate Bill No. 448, An Act Concerning Applications for Relief from Physical Abuse by a Family or Household Member**

**Raised House Bill No. 5246, An Act Concerning Distribution of the Marriage License Surcharge and Changes to the Landlord & Tenant Statutes to Benefit Victims of Domestic Violence**

**Raised House Bill No. 5496, An Act Concerning Restraining Orders for the Protection of Family Violence Victims in the Workplace**

**Raised House Bill No. 5497, An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence**

***Tiana Notice; Alice Morrin; Gina Lacouture; Shengyl Rasim; Dia Palafox; Bonnie MacKay Belanger; Barbara Hamburg; Madeline Brisson***

Domestic violence is not a "cause" or an "issue"; and despite what others say, we are not seeing a "rash" of domestic violence cases- but rather we are seeing, some for the first time, the level of domestic violence that is present in our state and in the nation. Only by the media coverage of domestic violence victims' lives and tragic deaths are we now beginning to acknowledge this sad reality as fact. Domestic violence is and has been an epidemic. The domestic violence victims named above only represent ten domestic violence victims we have lost. The actual number of domestic violence victims who suffer daily is astounding and yet we may not hear of their stories unless they become yet another fatality in our state.

I applaud the efforts of the Speaker's Task Force on Domestic Violence and appreciate the recommendations they have made on behalf of victims of domestic violence. It is true that the criminal justice system cannot guarantee 100% safety for domestic violence victims; just as the General Assembly cannot legislate 100% safety for domestic violence victims. However, when it comes to domestic violence we must have a united front founded upon zero tolerance for domestic abuse and a unified state-wide response.

**There are really three identified categories of domestic violence offenders:**

1. The first offender, after an arrest, is amenable to the criminal justice system if and only if, the courts enforce the courts orders and domestic abuse holds a consequence. This offender will completely and immediately be cooperative within the criminal justice process, obey court orders and will fear the consequence for not abiding by orders. But this offender will also be teachable to a system that holds no accountability for violence and will take the courts lack of actions as a green light to continue his or her abusive behavior. This offender is a good candidate for the Family Violence Education Program, the program available to "first time offenders" to resolve the criminal matter without the negative implications of a criminal record.
2. The second offender, after an arrest will not believe the criminal justice system will respond to his or her violence. He or she will test the waters, such as sending flowers to the victim in violation of a protective order. If the system (law enforcement; prosecutors; judges; bail commissioners) responds to the violation with zero tolerance, this offender will either become compliant or be identified as a danger.
3. The last offender is the most lethal and not phased by the court's interactions. After an arrest, this offender will continue and-in-many-cases, escalate, intimidating, harassing, threatening and abusive behavior aimed at the victim. The system must first, recognize this offender's threat level and respond immediately to this type of domestic violence offender. Typically, this offender has a history of domestic violence, escalating behaviors and is an immediate danger to the victim.

The Office of the Victim Advocate (OVA) supports GPS tracking for certain domestic violence offenders who have not yet racketed up to incarceration, but not as an alternative to incarceration. The key to GPS, however, is an appropriate tracker with the necessary staff to respond 24/7. Connecticut's current GPS monitors are insufficient to ensure the safety of a domestic violence victim. In order to properly protect domestic violence victims, Connecticut would be wise to invest in a satellite and cell tower backed GPS devise. Additionally the current GPS system in Connecticut is passive and has a delay of up to five minutes to report information back to the state. In order to have an immediate response Connecticut will have to have staff available 24/7 who will be notified of a breach and then notify the victim and police simultaneously. This is imperative to victims' safety. Additionally prior to affixing a GPS monitor onto an offender, a staff person, perhaps from Court Support Services Division (CSSD) will have to check the victims' hot zones, to ensure the monitor will report a breach appropriately. This can be done prior to the release of the offender from Court.

Additionally, several states, have designed STOP teams within their communities to better support domestic violence victims of high risk offenders. The teams are usually comprised of a court based domestic violence victim advocate, the local law enforcement department and the local battered womens' shelter program. For example, on Friday, Springfield, MA has a high risk domestic violence offender escapes from facilities. The team set up a phone tree to respond to situations, such as this, and was able to notify victims within 30 minutes through this coordinated community response. This is a model Connecticut would be wise to replicate. We have many partnerships, such as these, already established in our communities. The roadblock is financing and commitment

from all parties, including the courts, prosecutors, police, and domestic violence programs. This is the coordinated community response that will better protect our citizens who have fallen prey to domestic violence offenders.

Domestic violence dockets are an important commitment that Connecticut has made in some jurisdictions. It takes a certain type of person to understand and appreciate the dynamics present in domestic violence cases. It is not an easy task. We who understand and support domestic violence victims and their plight to live free of abuse, know all too well, that many victims may return to their abusers several times prior to finally leaving for good. In other cases, victims will actively fight the prosecution of an offender. There are many reasons why a domestic violence victim may fight the prosecution of his or her offender - some times it is the children, or finances, but many times it is simply the reality that when all is said and done the court, prosecutor, advocates, and law enforcement cannot be present with the victim 24/7 and he or she believes that the best way to manage the abuse is to go back. It is a case of turning to the familiar rather than the scary unknown. And it takes an especially compassionate prosecutor to handle these cases day-after-day. Furthermore, it takes a gifted judge to identify risk factors and fashion sentences that will both protect the victim and, at the same time, provide treatment to the offender. The commitment to establish domestic violence dockets is essential for a unified response to ending the violence. It also allows for a venue for training of the entire staff dealing with these especially difficult cases. The only other recommendation the OVA would suggest is that there be a consensus as to the type of cases these dockets will handle. In some jurisdictions these dockets handle only minor offenses while others handle the most serious. In order for Connecticut to provide a consistent response to domestic violence throughout the state, we should start by a consistent approach in our domestic violence dockets which would include specialized training on domestic violence as well as vicarious trauma and burn out.

The process of a criminal case in Connecticut includes numerous court hearings and continuances. Victims have a constitutional right to be present at all court dates, provide a meaningful impact statement and be reasonably protected from their offender. In order for the victim to fully participate, he or she needs to know that they are protected from backlash from their employer. This is true of all crime victims. Currently the time period to file a claim against ones employer for retaliation is 90 days. This is simply not a sufficient time period nor a workable time limitation for a victim to respond in a meaningful way. The extension of the time limits will allow a victim to protect themselves while they are dealing with a trying and draining experience of being a crime victim and with a workable remedy if they are discriminated against by their employer.

The name change of the "standing criminal restraining order" is in line with logic. The current language is confusing. There is enough confusion to go around from victims, by this simple name change, the availability of what is now, for all intents and processes, a "lifetime" order will be clearer to victims. Additionally the OVA will often hear from victims of domestic violence who are currently faced with returning to court every six months to extend their order. The OVA encourages the Judiciary

Committee to allow a judge in family court the discretion, in appropriate cases, to extend a restraining order beyond the six month time period for up to a year. There are a limited number of cases where the facts and circumstances simply support the need for a year long extension and the Judge should be allowed the discretion to extend those orders when and if it is appropriate. Additionally the OVA does not support the change to the current system involving what is now the "standing criminal restraining order". There is no perceived need to change the current practice and we have yet to hear of a situation where the order should have been limited at the conclusion of the offender's case. As often stated, why fix a practice that is not broken.

In addressing domestic violence, we need to be wise and not waste our energy re-inventing the wheel. The OVA, for instance, released a comprehensive investigative report on Nov 30, 2009 regarding the untimely death of Jennifer Magnano. The report contains numerous recommendations geared toward better protecting domestic violence victims. Some of those recommendations have been embraced through the state police, legal aid and several of the domestic violence programs, to name a few. The gaps in services experienced by Jennifer and her three children were not unique to them but rather the experiences of many domestic violence victims throughout our state. Learning from the experiences of domestic violence victims is the best way to identify how to better protect domestic violence victims.

The OVA is currently engaged in several investigations at this time involving domestic violence deaths over the past 13 months. These various cases are at different stages of completion- but I can tell you definitively that the following suggestions come directly from the pending investigations:

- 1) Offenders who are in court on a violation of an order of protection should not be released from court without, at the very minimum, a racking up of bond. The charge for violating an order of protection is unique in two aspects- first, we KNOW there is a VIABLE threat against an identified person, and second, the offender is ON NOTICE that certain behaviors will bring about law enforcement and court interactions and possibly a relinquishment of the offenders liberty. In light of the uniqueness of these charges, the court must send a message to the offender. Simply allowing the revolving door of the justice system to send an offender back out into our community without any consequence or on the same bond is unacceptable and, most importantly dangerous.
- 2) Next, there needs to be a swift and immediate response to a domestic violence victim's complaint to a violation of an order of protection. We know this can be done. The police were able to identify the commenter of the threats against Attorney Ullman, Representative Lawlor and Senator McDonald within a matter of days. It is not acceptable to delay investigations of alleged violations of orders of protection.
- 3) And lastly, we need to improve our current system when it comes to reporting violations of orders of protection. Currently there is a delay. The police departments require a "hardcopy" of an order of protection prior to arresting an offender and, despite what is being told to domestic violence victims; it cannot be

the one in possession of the domestic violence victim. Rather is must be faxed from an originating police department or the court. This is a step that is unnecessary and causes much frustration with victims of domestic violence. The police should be able to check COLLECT for the latest date of the order and if it co-insides with the victim's copy, that should be sufficient as it is in many states. This second step is unnecessary and causes a delay in the responsiveness with the police.

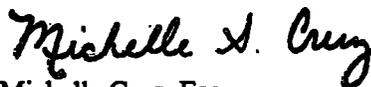
As I stated earlier, the OVA applauds the Speaker's Task Force for putting forth the proposals before you. I would like to recommend some key components that will further enhance the proposals. A successful effort in responding to domestic violence must be through a coordinated community response. Questions like "Why doesn't he/she leave?" or "Why did he /she go back?" have to be replaced with "Why does he/she batter?" and "Do they want to change their behavior?" The responsibility for abusive and controlling behavior is on the offender. The statute needs to be clear that a victim listed as the protected person on an order of protection cannot be charged with accessory or conspiracy to violate that order of protection. It is not the victim's behavior that is restricted by the court.

Finally, the family violence education program (FVEP) is currently available to "first time" domestic violence offenders. However, with the use of other pre-trial diversion dispositions, many offenders have four or five domestic violence arrests before they are granted the FVEP. Domestic violence cases require a priority for investigation by law enforcement, reasonable risk assessment by bail commissioners, prompt attention by prosecutors, strict enforcement by the courts, close supervision by CCSD and meaningful input from the victim. This undoubtedly will cost some money for resources; however, it is a critical link for success in ending domestic violence as it is today in the state of Connecticut.

**CONSTANT VIGILANCE AND A UNIFIED STATE-WIDE RESPONSE.**

Thank you for consideration of my testimony.

Respectfully submitted,



Michelle Cruz, Esq.  
State Victim Advocate



CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION

Testimony of Kia F. Murrell  
Assistant Counsel, CBIA  
Before the Judiciary Committee  
Hartford, CT  
March 15, 2010

**H.B. 5496 AAC Restraining Orders for the Protection of Family Violence Victims in the Workplace**

**H.B. 5497 AAC The Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence**

My name is Kia Murrell and I am Assistant Counsel for Labor & Employment matters at the Connecticut Business and Industry Association (CBIA). CBIA represents more than 10,000 companies throughout the state of Connecticut, ranging from large corporations to small businesses, but the vast majority of our members are small businesses of fifty or fewer employees. CBIA generally opposes legislation that increases the costs of doing business in the state; creates new administrative burdens for employers; or restricts employers' flexibility when managing their workforces and making personnel decisions.

H.B. 5496 permits employers to seek restraining orders to protect employees from threats of violence at the workplace of the employer. H.B. 5497 requires employers to grant employees time off to attend to personal issues concerning domestic and family violence. For various reasons, we oppose these measures because they would raise both labor costs and administrative burdens for Connecticut employers, and make employers more vulnerable to an increase in workplace claims involving domestic violence victims.

Specifically, we have the following concerns with H.B. 5496 and H.B. 5497:

- **H.B. 5496 creates an implicit duty for employers to act on behalf of employees.** The legislation states that employers "may" seek restraining orders on behalf of an employee; however, there is a strong possibility that "may" will be practically construed as "shall" if and when a violent situation occurs at work and an employee feels that his or her employer should have taken action. In such a case, the employers could be subject to an action for negligence or another omission of a perceived legal duty to act.

- **Involving employers in domestic violence matters creates a slippery slope.** Allowing employers to take out restraining orders in this context begins a slippery slope toward involving employers in numerous other personal matters of their employees' lives. In no other areas of law are employers expressly permitted to become involved in the private legal matters of their employees. If H.B. 5496 is enacted, it could create a potentially limitless number and type of issues that an employer could become involved in on behalf of their employees--ranging from child support proceedings to divorce cases to any other private litigation in which an employee is embroiled.
- **HB 5497 creates an employer mandate for time off from work with no cap or time limit.** In mandating employers to provide time off from work for employees to attend to domestic violence matters, H.B. 5497 does nothing to ensure that this time off will not be abused or used fraudulently at the employers' expense. Moreover, there is no limit or cap on the amount of time off from work that an employer must grant. In cases where an employer has only one or two employees, they would be unduly burdened by an employee's extended absence, forcing the employer to choose between continuing their operations without essential employees or violating the law by not giving sufficient time off.
- **The definition of "employer" in both proposals conflicts with other existing laws.** These proposals define an employer as "a person engaged in business who has one or more employees." However, state anti-discrimination laws and other laws apply to employers of three or more employees. Which definition prevails?
- **Domestic violence victims already have legal protections in the workplace.** Connecticut law already prohibits an employer from firing or penalizing an employee who attends court, is part of a police investigation, or has a restraining order. State law also allows crime victims to be eligible for unemployment insurance benefits in certain situations. In light of the existing legal protections for domestic victims in the workplace, it is not necessary to create additional protections for them in this context.
- **The need for protection of animals in the workplace is unclear and unnecessary.** This proposal allows an employer to seek a restraining order on behalf of an employee or for the protection of animals. It is not clear why an employer would act on behalf of an employee's animal, but given the myriad laws that already exist for acts of animal cruelty, H.B. 5496 is an inappropriate place to expand those laws.
- **The fines and penalties on employers for violating these Acts are too harsh and may encourage claims by employees.** An employer who violates the dictates of H.B. 5496 and H.B. 5497 shall be guilty of criminal contempt and fined \$500 dollars or imprisoned for up to 30 days or both. The act also allows employees to bring a civil action against the employer for damages and attorneys' fees. At a time when economic conditions are very difficult and employers need

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to control their labor costs, all of these penalties are harsh and could have a negative effect on job growth and job creation for Connecticut businesses.

In summary, we believe that H.B. 5496 and H.B. 5497 could have costly and burdensome impacts on Connecticut employers at a time when job creation and growth should be a priority in public policy. For these reasons, we object to these proposals and we urge the Committee to reject them.

I Alvin A. Notice SUPPORT bill 5246 and all its recommendations for the distribution of the marriage license surcharge and changes to the landlord and tenant to benefit victims of domestic violence. I am also supporting bill 5497 and all its recommendations to implement employment protections, Electronic monitoring of offenders, court procedure and other protection for victims of domestic violence. I would like to speak on the subject of GPS and the need for it to be kept in the proposal. I would also like consideration on establishing a monitoring site within the state of Connecticut as opposed to outside the state borders.

Tiana Angelique Notice was murdered on February 14, 2009, Valentine's Day. She had taken out a restraining order against her abuser and on the day she was murdered, she was within five hours of returning from the police station, where she had just dropped off more evidence that he had been to her apartment and in this case – the previous day. He was repeatedly stalking her prior to finally stabbing her to death. One week after Tiana's murder, probable cause was found and her abuser was charged with violating the restraining orders (including one on the day she was murdered). Tiana repeatedly went to the police with complaints, but nothing was done. While the violations were being investigated, she was being murdered.

GPS monitoring would have been particularly critical in Tiana's case because where law enforcement had failed to protect Tiana adequately and appropriately by following up on Tiana's repeated reports of violations of the restraining order, she could have had GPS monitoring to fill that void. Had Tiana had access to GPS monitoring of her abuser she would have known that he was stalking her prior to her getting home. I would have paid any money for her protection. I have been in the Department of Correction for twenty eight (28) years. As a Deputy Superintendent of Operations and the Department of Correction's Crisis Negotiator Director/Commander for the last 7 years, I know what it takes to talk someone down. You have to have a deterrent force to meet the challenge. For Domestic Violence an excellent deterrent is GPS.

Evidence of this is an article published on Friday, March 12, 2010 in the Pekin Daily Times, called "Manhunt ends with capture," by Sharon Woods Harris. Basically, local authorities apprehended an alleged attempted murderer who cut off an ankle monitoring bracelet and triggered a nationwide alert. Aaron "Garth" Baecker, 63, of 2011 Desoto Court, Pekin, was indicted by a Tazewell County grand jury on Feb. 4 for the attempted first-degree murder of his wife and aggravated domestic battery on Jan. 25. Because of the GPS alert, his wife's life was saved. This further proves that GPS monitoring would be effective.

My Daughter, Tiana Notice and other victims' lives are worth more than \$9,100.00 dollars per year which is the \$25 per day plan. I would definitely pay \$9,100.00 if it meant I could see my daughter alive today. Money should never be the deciding factor when it comes to saving lives. Let's break the silence on domestic violence today and pass this bill.

I would also point out that you need to keep in mind that it cost approximately \$35,000.00 to \$40,000.00 to keep an inmate in prison, compare \$9,100.00 dollars. With that said, there is a 70% chance that a person going to prison will likely offend within the first six month of being release.

Based on the NCADV facts sheet on Domestic Violence cases:

- 1.3 million women are victims of physical assault by an intimate partner each year
  - 73% of family violence victims are females
  - 84% of Females were spousal abuse victims
  - 86% of abuse victims are at the hands of a boyfriend
  - Historically, females have been most often victimized by someone they knew
  - Females who are 20-24 years of age are at the greatest risk to intimate partner violence.
- The cost of intimate partner violence exceeds 5.8 billion each year, 4.1 billion of which is for medical and mental health services.

Additionally, I would like to recommend use of the Danger assessment form created by Jacquelyn C. Campbell of John Hopkins University, School of Nursing. I would also suggest that they require all Domestic Violence Agency throughout the state, including the police department to use these forms during their initial intake with a victim.

I would also ask that you consider making an amendment to ensure that the abuser doesn't manipulate the system to get a GPS on his/her victim as was done by Tiana's abuser getting an order on her.

Additionally, by using the Danger Assessment form and keeping it on file, it would show a record of patterned behavior. By going back 10 years it will be more effective to see this pattern. Additionally, any Domestic Violence incident should remain on record regardless if the abuser attends an anger management class recommended by the courts.

Submitted by

Alvin A. Notice  
314 Leo Drive  
Gardner, MA 01440  
Telephone 978-257-1144

## Manhunt ends with capture

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By Sharon Woods Harris  
Pekin Daily Times  
Fri Mar 12, 2010, 08:00 AM CST

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PEKIN, Ill. -

Local authorities have apprehended an alleged attempted murderer who cut off an ankle monitoring bracelet and triggered a nationwide alert.

Aaron "Garth" Baecker, 63, of 2011 Desoto Court, Pekin, was indicted by a Tazewell County grand jury on Feb. 4 for the attempted first-degree murder of his wife and aggravated domestic battery on Jan. 25. He and his wife own an insurance agency in Pekin. He was released from the Tazewell County Justice Center on 10 percent of a \$250,000 bond on Feb. 5.

Baecker cut off his electronic monitoring device at about 5 p.m. on Allentown Road west of Springfield Road, said John Horan of the Tazewell County Probation Department. The monitoring device shows a suspect's whereabouts within three feet.

The probation department quickly secured Baecker's wife and moved her to a safe location, said Horan.

Baecker was located a short time later near Mackinaw in a vehicle headed toward Tremont. Because of the nature of Baecker's alleged crime, his case fell under the "Cindy Bischof Law," which allows the court to order an abuser to wear a GPS tracking device as a condition of bail in instances in which a restraining order has been violated.

The legislation, which took effect Jan. 1, 2009, was in response to the death of Bischof. Her ex-boyfriend was able to obtain a gun, stalk her and shoot her outside her insurance agency business.

Attempted first-degree murder is a Class X felony; aggravated domestic battery is a Class 2 felony; and obstructing justice is a Class 4 felony.

As a condition of his bond, Tenth Judicial Circuit Court Judge Richard Grawey had ordered Baecker to surrender his passport and have no contact with his place of business after noon daily, court records say. The alleged crime

According to police reports, Baecker took the 61-year-old victim to Pekin Hospital for treatment of her wounds. Court records indicate that the victim had to have staples in her head to close injuries. The hospital notified police that it was believed the wounds were from domestic violence — not from a fall down the stairs, as hospital staff were told.

According to the bill of indictment, Baecker "Performed a substantial step toward the commission of (attempted first-degree murder) in that he, with the intent to kill, struck (the victim) with a wooden stick and shoved her."

The indictment for obstructing justice alleges that, "With the intent to obstruct the prosecution (of) Aaron Garth Baecker, for the offense of attempt(ed) first-degree murder, (Baecker) knowingly destroyed, altered or concealed physical evidence, being the sheets and clothing."

Horan said, "All of the authorities involved did an excellent job. It worked as it should. She is safe."

**DANGER ASSESSMENT**

Jacquelyn C. Campbell, PhD, RN, FAAN  
 Copyright 2004 Johns Hopkins University, School of Nursing  
 Corrections to calendar scale 2/3/2010

Several risk factors have been associated with increased risk of homicides (murders) of women and men in violent relationships. We cannot predict what will happen in your case, but we would like you to be aware of the danger of homicide in situations of abuse and for you to see how many of the risk factors apply to your situation.

Using the calendar, please mark the approximate dates during the past year when you were abused by your partner or ex partner. Write on that date how bad the incident was according to the following scale:

1. Slapping, pushing; no injuries and/or lasting pain
2. Punching, kicking; bruises, cuts, and/or continuing pain
3. "Beating up"; severe contusions, burns, broken bones
4. Threat to use weapon; head injury, internal injury, permanent injury, miscarriage, choking
5. Use of weapon; wounds from weapon

(If any of the descriptions for the higher number apply, use the higher number.)

Mark **Yes** or **No** for each of the following.

("He" refers to your husband, partner, ex-husband, ex-partner, or whoever is currently physically hurting you.)

Yes	No	
_____	_____	1. Has the physical violence increased in severity or frequency over the past year?
_____	_____	2. Does he own a gun?
_____	_____	3. Have you left him after living together during the past year? 3a. (If have <i>never</i> lived with him, check here _____)
_____	_____	4. Is he unemployed?
_____	_____	5. Has he ever used a weapon against you or threatened you with a lethal weapon? 5a. (If yes, was the weapon a gun? _____)
_____	_____	6. Does he threaten to kill you?
_____	_____	7. Has he avoided being arrested for domestic violence?
_____	_____	8. Do you have a child that is not his?
_____	_____	9. Has he ever forced you to have sex when you did not wish to do so?
_____	_____	10. Does he ever try to choke you?
_____	_____	11. Does he use illegal drugs? By drugs, I mean "uppers" or amphetamines, Meth, speed, angel dust, cocaine, "crack", street drugs or mixtures.
_____	_____	12. Is he an alcoholic or problem drinker?
_____	_____	13. Does he control most or all of your daily activities? (For instance: does he tell you who you can be friends with, when you can see your family, how much money you can use, or when you can take the car? (If he tries, but you do not let him, check here: _____)
_____	_____	14. Is he violently and constantly jealous of you? (For instance, does he say "If I can't have you, no one can.")
_____	_____	15. Have you ever been beaten by him while you were pregnant? (If you have never been pregnant by him, check here: _____)
_____	_____	16. Has he ever threatened or tried to commit suicide?
_____	_____	17. Does he threaten to harm your children?
_____	_____	18. Do you believe he is capable of killing you?
_____	_____	19. Does he follow or spy on you, leave threatening notes or messages on answering machine, destroy your property, or call you when you don't want him to?
_____	_____	20. Have you ever threatened or tried to commit suicide?
_____	_____	Total "Yes" Answers

**Thank you. Please talk to your nurse, advocate or counselor about what the Danger Assessment means in terms of your situation.**

PAGE 20  
LINE 13

90 Pitkin Street  
East Hartford, CT 06108  
(860) 282-7899  
(860) 282-7892 Fax  
(800) 281-1481 (CT only)

**TO:** Judiciary and Human Services Committees

**FROM:** Erika Tindill, Executive Director  
Connecticut Coalition Against Domestic Violence

**DATE:** March 15, 2010

**RE:** House Bill 5246: An Act Concerning the Distribution of the Marriage License Surcharge and Changes to the Landlord and Tenant Statutes to Benefit Victims of Domestic Violence

House Bill 5497: An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence

House Bill 5496: An Act Concerning Restraining Orders for the Protection of Family Violence Victim Advocates in the Workplace

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On behalf of the Connecticut Coalition Against Domestic Violence (CCADV) and its 18 member programs, thank you in advance for considering the following points regarding House Bills, 5246, 5497, and 5496.

1. **Support of House Bill 5246 – *An Act Concerning Distribution of the Marriage License Surcharge and Changes to the Landlord and Tenant Statutes to Benefit Victims of Domestic Violence.***

**Section 1** is necessary to force the Department of Social Services (DSS) to do what the legislature intended be done with marriage license surcharge funds – pass the money

groundswell of tenants falsely claiming to be victims in order to get out of a rental agreement. Further, the statute requires documentation that is either easily verified, or that requires a professional to risk her/his reputation and livelihood in order to vouch for the tenant. There are landlords who work with victim tenants who seek their understanding of their dire situation, but far too many are unwilling to do so. The section also allows a tenant to defer one month's rent for up to six months. Lack of financial resources is the number two reason (fear is number one) why victims are not capable of escaping a violent and toxic relationship. This section potentially provides life-saving housing assistance to victims of domestic violence.

2. **Support for House Bill 5497 – *An Act Concerning the Recommendations of the Speaker of The House Of Representatives' Task Force On Domestic Violence.***
  - Under Section 14, subsection (h), CCADV proposes the following language to provide an employee with a course of civil action if an employer violates subsection (d) of this section: **If an employer discharges, penalizes or threatens or otherwise coerces an employee because the employee exercises his or her rights under subsection (d) of this section, the employee, not later than two years from the occurrence of such action, may bring a civil action for damages and for an order requiring the employee's reinstatement or otherwise rescinding such action. If the employee prevails, the employee shall be allowed a reasonable attorney's fee to be fixed by the court.**
3. **Opposition to House Bill 5496 - *An Act Concerning Restraining Orders for the Protection of Family Violence Victims in the Workplace.***

We assume the intent of the bill is to provide some measure of protection for both domestic violence victim and their employer (and presumably, co-workers). Domestic violence advocates know from experience that employers and workplace support of victims is part of the solution. However, there are a number of insurmountable problems with this bill that raise some concerns. How do employers have standing (i.e a legally sufficient personal interest in the dispute *and* be injured in fact by the abuser's conduct) in a civil restraining order hearing? If a large corporation such as The Hartford or Sikorsky Aircraft seek to file for a Restraining Order, who files pleadings on behalf of the company? The victim's immediate supervisor? Someone from the Human Resources department of the company? Must it be the same company representative that appears in court? Would a victim (or their estate) have a cause of action against an employer who fails to obtain a restraining order due to negligence or failure to believe a victim or failure to act on the victim's behalf? What about a co-worker injured or killed due to the actions of the abuser where the employer failed to obtain an order under this statute? There is also the due process issue of appropriate notice to the respondent abuser regarding exactly what area of the employer's property is prohibited. Further, the statute is silent as to what is expected when both victim employee and respondent abuser work for the same employer.

Passing the employment protections outlined in House Bill 5497 (*An Act Concerning the Recommendations of the Speaker of the House Of Representatives' Task Force On Domestic Violence*) – time off from work to relocate, attend court proceedings, seek counseling, or heal from wounds – affords victims the support they need in order to

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effectively plan for their safety while protecting the legal rights of respondents. This bill falls short on many levels and CCADV encourages the committee to take no action on it.

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CCADV can provide additional information regarding the effect and likely consequences of these bills should the committees so require.

PAGE 11  
LINE 4

5496

Good Morning Senator McDonald, Representative Lawlor, Senator Doyle and Representative Walker, members of the Judiciary Committee and Human Services. Thank you again for the opportunity to provide testimony concerning the issue of Domestic Violence.

I am a victim of Domestic Violence.

For years, my husband hit me, kicked me, and abused me physically, emotionally, mentally. He said he would leave me dead. I took whatever he handed out as long as he never touched my children. But of course, it wasn't enough for him to just hurt me. One night in October 2007, he assaulted my oldest daughter because she had decided that she would defend her mother. He hit her and kicked her. My youngest daughter begged him to stop. I couldn't get him off of us. My son intervened and the assault stopped. The police came out and my husband was arrested. This would be the first of many arrests...and not with just me.

In my case, my husband assaulted his sister, his step-daughter, myself and 2 other women. He was arrested for assaulting his sister in 2004. He was arrested 5 times with me alone between October 07 and April 08 for violations at either at my home or my place of employment - **4 times in one month**. He was also arrested in a courthouse in April of 08 and again in May of 09. He was arrested with 1 girlfriend twice in 2008. And with the 2<sup>nd</sup> girlfriend the police were called as well. He had a temporary protective order with his sister. He had multiple protective orders with me and my children. He also had protective or restraining orders with at least one of the other women. Ultimately, I was given a Standing Criminal Restraining Order which never expires, although only my oldest daughter is on it. The criminal court offered no permanent protection for my youngest child stating that he "**hadn't hit her yet**". I actually had to go to another court to obtain a restraining order to protect her. He took anger management with the first arrest in 04. He was first given family violence classes with the October 07 arrest. These were withdrawn because of violations of the protective orders. Ultimately States Attorney Kevin Dunn got involved and my husband was enrolled in the Evolve Program. While in the Evolve Program, he was actively violating the protective orders and was arrested for threatening the other woman and violating conditions of release. Each time he was told not to do it again, to abide by the protective order, continue with his classes and have no contact. Each time, he repeated the offense. The order stated 100 yards and he would sit at 100 yards and 13 feet and watch my house. He would sit in the lot near where I work and watch my job. He said he would leave me dead in my front lawn and ultimately that's where he finally cornered me...and my 11 year old

daughter! We didn't sleep. ~~We were afraid. I did not want to die.~~ The Ansonia Police were amazing. They always responded quickly. They understood the protective order. They did everything in their power to keep us safe. The Office of the Victims advocate fought hard to protect us and Umbrella gave us counseling and let us know that we could break the cycle.

Ultimately my husband served one 90 day sentence and one 6 month sentence for violating the Standing Criminal Order with me and violating the conditions of release with on of the other women – a total of 9 months for more than 8 arrests involving 3 women and 3 children!

There is something wrong with a system that allows this. We need change and we need it quickly.

When there is a domestic violence arrest, the offender is brought before the judge the next day. The police need to keep that person in custody until their arraignment.

We need to have courts that specialize in Domestic Violence Crimes and judges that are consistently on the bench. Judges need to be educated on the patterns of abuse. They need to act quickly and know they have the power and the duty to protect those who can't protect themselves. They need to understand that just because the order states "no contact", it does not necessitate physical contact.

Judges need to be aware of all of the history involving that offender right from the first hearing. The courts, probation departments and program administrators need to communicate with each other.

Protective orders must be given and enforced. Any violations should not be tolerated.

If classes are given once, and the offender violates, they should not be allowed to take those classes again.

Judges need to follow through with punishments and hold the abusers accountable for any violation. After all, it is not only a violation of a protective or restraining order; it is a violation of a court order...*a judge's court order.*

The reality is that Domestic Violence is an epidemic.

Every day someone is being abused.

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It is our responsibility to do everything in our power to stop the cycle... to hold the abusers accountable...to empower those who feel powerless.

Protective orders are just pieces of paper...they can't block a punch...they aren't bulletproof.

But protective orders backed by police that enforce them, strong laws, consistent judges and tougher penalties will help save lives.

Thank You.

Submitted on 3-15-10 by:

Robin Shapiro  
222 Wakelee Ave  
Ansonia, CT 06401  
203-954-6677



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

**EXTERNAL AFFAIRS DIVISION**

231 Capitol Avenue  
Hartford, Connecticut 06106  
(860) 757-2270 Fax (860) 757-2215

**Testimony of the Honorable Lynda B. Munro  
Chief Administrative Judge for Family Matters  
Judiciary and Human Services Committee Joint Public Hearing  
March 15, 2010**

**House Bill 5496, AAC Restraining Orders for the Protection of Family  
Violence Victims-in-the-Workplace**

Thank you for the opportunity to address House Bill 5496, An Act Concerning Restraining Orders for the Protection of Family Violence Victims in the Workplace. The Judicial Branch is concerned about the significant structural costs of this proposal.

This bill would permit employers to seek restraining orders on behalf of any employee who has suffered from unlawful violence or a credible threat of violence. It does not add employers to the restraining order statute; rather, it creates a new but very similar process for employers. Implementing this new process would require the Judicial Branch to incur significant expenses to change forms, re-program computer systems, and modify the protective order registry. It has the potential for bringing a significant number of new cases into the system, and the Judicial Branch would be required to pay for service of process in those cases. The Judicial Branch cannot absorb these costs within our available resources.

In conclusion, we urge the Committee not to act favorably on this proposal.

"Laws are made for men of ordinary understanding and should therefore be construed by the ordinary rules of common sense. Their meaning is not to be sought for metaphysical subtleties. The end of law is not to abolish or to restrain but to preserve and enlarge freedom for in all the states of created beings capable of law. Where there is no law there is no freedom." Quotes on the walls of the entrance of the Manchester superior courthouse. Quotes that I read over and over again as I waited nervously with my friends and family for the hearing at sentencing for my assailant. The father of my youngest son attacked me in a home invasion February 25th, 2009.

That day will forever be burned in my memory as the scariest night of my life. I can only describe the fear and horror I witnessed that night. And it was awful. Glass shattering from a 240 pound man throwing himself into my home after he climbed an extension ladder to gain access in. I was choked up against a door, then thrown from wall to floor, then back up again only to be slammed down again. I had a neighbor with me that night and luckily I was saved. I made it away from my assailant just long enough to call 911. I called and screamed. Screamed for my life, as I did not believe I was going to make it out.

I did make it out. I made it out and I cannot tell you how terrible my life had been since I made it out of that attack. Call it depression, call it survivor's remorse, call it what you will. There are days I am so thankful I'm alive. And there are days like this past Friday that I wish I never made it out. I am just so sick of the painful reminder of what has happened to me. I know deep down I should never be so selfish to be ungrateful I survived. But when I look at what my life is like, there are days I just wish I didn't wake up. This past Thursday I lost my job. One I worked so hard to get. I lost it because I have been so physically sick from the stress of this tragedy. I suffer migraines and they have crippled me more times than I can count. The numerous court dates that I have had to go to, to ensure I wasn't missing anything. It all took its toll. My boss couldn't have a liability such as myself in their workplace.

You see that maybe wouldn't have been so bad if only this past Friday justice had been served. But it wasn't. My assailant had a court case on December 8<sup>th</sup>, 2009 which was continued until what I was notified as February 8<sup>th</sup>, 2010. This was set off the record. Yet on January 12<sup>th</sup>, 2010 the defendant accepted a plea bargain smaller than one previously denied by the same judge on the bench and was sentenced. I, unknowingly was at work and didn't hear of this until my advocate called me at work. I nearly lost it. I found out that day that the man who climbed one of four ladders chained to my house and tried to kill me almost a year before would be back on the streets in about another year's time.

Sleep did not come easy after that. PTSD came back full forced and I've been plagued with distraught ever since. My once private life now had to go public as I reached out for help of the media to see if anything could be changed. It turns out there was a sliver of hope. The sentence had been "stayed" for reasons not made public. I had one last chance to plea to the judge that this was not the best negotiation for anyone. My family, including my two very young sons needed more time to heal. To be safe. But minutes before the hearing, the prosecutor came out of his office with a sly look as he said that the judge who had originally heard this case now would not hear it. It had to go before another judge. Even I knew what that meant. No matter how loud I begged or screamed for my life now, nothing could be done. Judges do not change another's ruling.

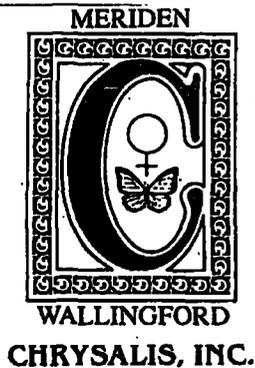
I got before the court and read my statement. I cried, I even spoke of my disgust of what the prosecutor had done behind my back. I begged even though I knew it was pointless. In the end nothing was changed. Nothing was done to help me. A five year sentence suspended after 3 years served with time already served was handed down. My "death sentence" as I keep referring to it was given to me.

If there are going to be laws made to protect the innocent, you need to uphold them. There needs to be consequences for those who break them. Not just the criminals, but those in charge of putting said criminals away. My despair now comes from a deeper level. Yes, I was a victim of violence, domestic violence. But now I am a victim of judicial misconduct. Not only had my civilian rights been violated, my constitutional rights had been violated when I was never notified of the proceedings in my assailants case.

I had asked my mother once before, "what, did I have to die for there to be any justice?" The sad truth be told is, yes. There probably would have been more scrutiny over the whole story. But I didn't die. And there will not be a day that goes by that I don't suffer and that I don't think about those who couldn't make it out. And there is not a day that goes by that I won't be thinking of ways to help those who need it. There needs to be more security in this state. What-kind-of person could attempt to kill the mother of their child, someone they lived a life with?

Flip the coin for just a second, and think, what kind of a person could read a file about such an attack, then push it aside because it was just "domestic?"

Jennifer Morgan  
Manchester, CT



To: Judiciary and Human Services Committee

From: Linsey Walters, Meriden Wallingford Chrysalis

Date: March 15, 2010

RE: Raised Bill 5497: An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence

Good afternoon, Senator McDonald, Senator Doyle, Representative Walker, Representative Lawlor and members of the Human Services and Judiciary Committees. My name is Linsey Walters, I am the Community Services Director for Meriden-Wallingford Chrysalis, Inc. a nonprofit agency serving domestic violence victims in the communities of Meriden and Wallingford. I'm here to testify in support of amending CT General Statute 54-85b to expand employment protections for victims of family violence which is presented in Raised Bill 5497, Sections 13 and 14.

Currently employment protections are limited to granting a victim the right to attend hearings and criminal court proceedings without consequences or threat of penalty or termination. Unfortunately this is not enough, victims need access to support well beyond court-related activities. Family violence victims risk being dismissed from their job if they take unauthorized time for essential advocacy related activities, relocation assistance, and or medical/psychological care. From my own advocacy work with community clients, I've seen this first hand. I currently work with a woman whom has 2 children, she sustains a consistent work history and has moved her way up in the current company she works for. She remains the sole financial supporter for her family and her abusive partner has a track record of being unemployed.

Just before the holidays there was a violent incident where the abuser was arrested, and a protective order was issued which put him out of the home. In addition to participating in multiple hearings for the initial charges and violations of the protective order, my client has had to take time off of work to meet with DCF workers, to apply for and attend restraining order hearings, to file for child support, and to work out visitation and custody agreements. Like all children, her children get sick, have doctor's appointments and school cancellations. Right now this client has used all her personal, vacation and sick days. She is in constant fear of losing her job.

To begin to rebuild a life free of violence, she's accessed therapy and advocacy but often has to miss or reschedule appointments due to child care restraints. Most recently when talking with her, I had suggested looking for support within her company by talking to human resources personnel to explain her situation. She quickly reminded me that she was the human resources personnel and that she was feeling pressure from the owner of the company. She is scared that her work is slipping because of her inability to concentrate and perform her best. She's concerned that her employer will have grounds to let her go.

If this legislation was in place she would have the option of taking time off without fear, she could consistently access needed support to manage through this time, she wouldn't have the added pressure of worrying that if she takes one more day off that she won't have a job to return to. My client is one of many women whom are faced with these challenges. According to the National Employment Law Project, approximately one-quarter of battered women say they had to quit work at least partly due to domestic violence. Please consider my request today to assist victims in getting the help they need while remaining employed. Thank you.



STATE OF CONNECTICUT  
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony of  
Commissioner Susan I. Hamilton, M.S.W., J.D.  
Judiciary and Human Services Committees  
March 15, 2010



**H.B. No. 5497 - AN ACT CONCERNING THE RECOMMENDATIONS OF THE  
SPEAKER OF THE HOUSE OF REPRESENTATIVES' TASK FORCE ON DOMESTIC  
VIOLENCE**

The Department of Children and Families offers the following comments regarding H.B. No. 5497 - AN ACT CONCERNING THE RECOMMENDATIONS OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES' TASK FORCE ON DOMESTIC VIOLENCE.

We appreciate the work of the Task Force on Domestic Violence and want to provide our support for two provisions contained in this legislation. Both sections 3 and 15 of this bill permit a greater sharing of information between DCF and Judicial Branch in family violence cases. We support these provisions as they permit the reciprocal sharing of information in a manner that will better protect children and other victims of family violence.

Specifically, section 3 amends § 46b-38c of the General Statutes to provide that 46b-38c family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Branch "[m]ay disclose to an employee of the Department of Children and Families information that indicates that a defendant poses a danger or threat to a child or a parent of the child." This is particularly important because current law limits what Family Relations Counselor can share with the DCF. Family Relations staff are not "mandated reporters" of child abuse and neglect and under current law they cannot disclose domestic violence cases to DCF. The Department must rely on the police, judge or prosecutor to make a referral, and important details are not always uniformly reported.

Section 15 amends § 17a-28 of the General Statutes to allow the Department to share information with "a judge of the Superior Court and all necessary parties in a family violence proceeding when such records concern family violence with respect to the child who is the subject of the proceeding or the parent of such child who is the subject of the proceeding." Again, reciprocal information sharing is not always possible due to current confidentiality laws.

We fully support greater information sharing between the various professionals involved in family violence cases. Please know that DCF is willing to participate in any discussions with the members of both the Judiciary and Human Services Committees as this proposal moves forward.



HARVARD LAW SCHOOL  
CAMBRIDGE · MASSACHUSETTS · 02138

Diane L. Rosenfeld, J.D., LL.M.  
Lecturer on Law

**STATEMENT IN SUPPORT OF**  
**Raised Bill No. 5497**

**Dear Speaker Donovan, Senator Green and Honorable Members of the Connecticut Domestic Violence Task Force:**

**We write in support of your efforts to strengthen Connecticut's Domestic Violence laws and appreciate how seriously you are considering the safety of victims in your state. These brief comments are offered to highlight the importance of the use of GPS electronic monitoring of high-risk domestic violence offenders in conjunction with a coordinated community response that focuses on victim safety and offender accountability. Only by securing all the cracks in the current system will a victim of domestic violence be safe and able to live free from the threat of future violence.**

**While the current Bill offers "electronic monitoring" of high-risk offenders, it does not require danger assessments in all domestic violence cases. My students and I, who develop legal policy on these matters, strongly urge you to add a requirement to provide for danger assessments in all domestic violence cases to identify potentially lethal cases. Moreover, when a case is identified as high-risk, the legislation should provide for GPS electronic monitoring using the best available technology. Incarceration must remain an option—and the GPS monitoring option should be regarded as a part of a graduated sanction. These measures will strengthen the criminal justice system response to domestic violence, and potentially prevent the case from escalating into a homicide.**

**In February 2009, Tiana Notice died from stab wounds inflicted by her ex-boyfriend, James Carter. Carter, who had a history of domestic violence against other women and had violated an existing order of protection by slashing Tiana's tires and contacting her several times, was subsequently charged in her murder. Tiana left behind loving parents and friends, and her dream of completing her Master's degree at the University of Hartford. Recently, on January 17, 2010 in West Haven, Selami Ozdemir returned home from jail for violation of an order of protection and shot and killed his wife, Shengyl Rasim. Ozdemir had a history of beating his wife and had previously been jailed for assault and violation of protective orders. The story is all too familiar.**

**On the other hand, on March 12, 2010, Aaron "Garth" Baecker, who had been indicted for attempting to murder his wife, cut off the ankle bracelet he was required to wear as a**

condition of his bail. Law enforcement was able to immediately notify his wife and move her to a safe location, and the offender was located and apprehended shortly thereafter.<sup>1</sup> Baecker had been put on the GPS monitoring pursuant to the Cindy Bischof Act in Illinois. Cindy Bischof, a well loved real-estate broker, was killed by an ex-boyfriend who violated an order of protection.

Connecticut can join the states that are on the forefront in the fight to end domestic violence. Our Gender Violence Clinic has worked with several states to develop effective legislation to strengthen the criminal justice system response to intimate partner violence, and we appreciate the opportunity to work with Connecticut as well. In honor of Tiana Notice's memory, Shengyl Rasim's memory, and to prevent this tragic fate befalling yet another victim of domestic violence homicide, we urge the General Assembly to pass the strongest possible bill using GPS monitoring for domestic violence offenders.

### Introduction

Approximately three women a day are killed in the US by their intimate partners.<sup>2</sup> Yet domestic violence homicide is the most predictable—and therefore preventable—type of homicide. Domestic violence escalates along predictable lines, and if the State does not intervene to the fullest extent of the law, the situation can become lethal.

But it does not have to be this way. Our study of domestic violence homicides indicates that the use of danger assessments to identify high-risk cases in combination with GPS electronic monitoring and other offender containment options can effectively stop the violence. Thus, we recommend the use of GPS electronic monitoring for batterers to ensure his compliance with the terms of the order of protection.

### Global Positioning System (GPS) Monitoring

- Connecticut should enact legislation to provide for GPS electronic monitoring of batterers to give an order of protection meaning. Many orders of protection are violated, and batterers inflict retributive violence against their partners for trying to leave, or seeking help in the justice system. Violations of restraining orders are signs of increased danger and possible lethality to a battered woman!
- GPS monitoring is:
  - the use of global positioning satellite devices to track batterers for real-time notification of violations of orders of protection.
  - Done by law enforcement officials or private companies who monitor the offenders and notify the police and the victim immediately in case of a breach.<sup>1</sup>
- GPS monitoring benefits are:
  - more protection for battered women – law enforcement will know the moment that a batterer has entered a prohibited zone and can intercept him *before* he is able to reach her.
  - this technology can provide safety for the battered partner so that she doesn't bear the burden of hiding out in a shelter—this will enable her to stay safely at home and go about her daily life without the fear of being re-assaulted.

<sup>1</sup> <http://www.pekintimes.com/news/x1664754876/Manhunt-ends-with-capture>

<sup>2</sup> (Bureau of Justice Statistics, <http://www.ojp.usdoj.gov/bjs/homicide/intimates.htm>) (2004).

- Requiring a batterer to wear a GPS monitor is tailored precisely to the crime of domestic violence. It is highly effective in these situations because we know who the intended victim is and where she is likely to be. Thus, his movements can be contained through the monitoring, while she receives actual protection from his future assaults.
- He may be able to avoid jail while still being held responsible for his violence.
- It costs less than incarceration; if the batterer keeps his job, he can be required to contribute to the cost of the monitoring. Costs are estimated to be about \$10 per day—certainly worth the price of safety to an endangered woman.
- Judges will be more willing to actually impose meaningful sanctions (like GPS monitoring) when it allows batterers to keep their jobs, contribute to child support, and avoid incarceration without endangering their victims.
- GPS monitoring provides an effective method of enforcing the terms of an order of protection by notifying law enforcement and the victim if the offender breaches a forbidden zone.
- GPS monitoring also provides law enforcement with immediate proof of violations, so that sanctions can be increased along with any escalation of danger.
- GPS monitoring will reveal stalking violations that were previously undetected, and that may reflect lethal danger to the victim.<sup>3</sup>

#### Best Available Technology

Every GPS surveillance system for domestic violence offenders should have a few uniform, key components in order to ensure that it is able to effectively save lives by providing quick, accurate information to the authorities and victims who need it most.

- A GPS surveillance system should include technology that automatically notifies the victim when the batterer has breached the woman's protected zone or has left his inclusion zone. This notification will allow the victim to seek an area of greater security and get children to safe areas.
- GPS surveillance should also enable state officers to respond immediately to any breach of a restraining order.
- The GPS device must be worn on a tamper-proof bracelet or ankle-bracelet to ensure that the batterer is tracked at all times. The GPS unit should immediately notify authorities if it has been tampered with or removed.
- Best available technology also includes the ability of the monitors to speak to the offender through a cell phone implanted in the bracelet device enabling the monitors to verbally apprehend the offender, as well as a loud alarm that can be activated to warn the potential victim of the offender's presence in a forbidden zone.<sup>4</sup>
- The inclusion zone should be drawn around the offender, allowing him to go between his place of residence, his employment, and other places in a circumscribed area. Containing the offender's movements restores freedom and liberty to the victim.

#### GPS Should be a Part of a Coordinated Community Response to Keep Victims Safe

<sup>3</sup> See generally, David Adams, Why Do They Kill? Men Who Murder Their Intimate Partners (Vanderbilt University Press, 2007).

<sup>4</sup> Two companies for example are Secure Alert ([www.securealert.com](http://www.securealert.com)) which monitors offenders with a unit that is worn on the ankle bracelet that includes a cell phone, a GPS, and an alarm, and isecuretrak ([www.isecuretrak.com](http://www.isecuretrak.com)).

- Coordinated community response programs ensure that high risk cases are accurately identified, victims are provided with adequate protection and services, law enforcement personnel and judges are made aware of the danger posed by the individual, and adequate containment or surveillance methods are incorporated to keep victims safe.
- This approach utilizes the cooperation of police departments, district attorneys, probation officers, victim's advocacy groups, victim's services providers, batterer intervention programs and health care workers.
- Lethality assessments (also called risk assessments or danger assessments) are a vital part of a coordinated community response. Research by medical experts has identified a set of questions to identify when batterers present a high risk to their victims. Factors like threats of suicide, threats to murder the victim, and previous attempts to choke the victim are proven indicators that the victim may be in extreme danger.<sup>5</sup>
- When a court finds that a batterer poses a high lethality risk, as a condition of probation or parole, a defendant convicted of domestic violence is released with a Global Positioning System technology (GPS) monitoring device that ensures that the offender does not contact the victim, or violate the order of protection.

#### The Success of the Newburyport Massachusetts Model

- The Greater Newburyport High-Risk Case Management Team is proving that the criminal justice system CAN offer meaningful intervention in domestic violence cases. The Team is composed of law enforcement, probation officials, professionals in victims' services, batterers' intervention services, and health care workers. Each partner screens cases and helps in the development of an intervention plan to keep victims safe.
- The Newburyport system is currently being modeled in other communities in the state of Massachusetts, and the model has been presented to other groups on a state and national level.
- The Newburyport system has resulted in increased incarcerations of offenders before trial, which is often one of the most dangerous times for domestic violence victims. In addition, 3 cases were placed on GPS for pretrial monitoring while four more batterers were placed on GPS post release.
- In the team's first three years of operation, 91% of the team's 55 cases reported no re-assaults. Of the offenders monitored by GPS, there have been no re-assaults—a 100% success rate!

#### Comments on Raised Bill No. 5497

- The Family Violence Intervention Units are not defined and parameters are not provided for the creation of such Units.
- The Family Violence Education Program is a promising initiative that we support.
- The part of the education program aimed at the offender should be specified to disallow "anger management" programs, which have been shown to be ineffective to address the power dynamics present in a domestic violence case. Far preferable are certified batterer's intervention programs that seek to disrupt the power and control cycle in the intimate partner relationship.

<sup>5</sup> The work of Dr. Jacqueline Campbell from Johns Hopkins University has proven most effective. See, [www.dangerassessments.com](http://www.dangerassessments.com) for more information.

- It is possible that such a Unit could be required to perform a domestic violence risk assessment. Risk assessments are absolutely necessary to protect victims from further harm, so must be specified in the Bill.
- The Bill requires that batterers monitored by GPS pay the costs of their monitoring—as stated, about \$10 a day. However, the requirement that the defendant be able to afford the cost in order for a judge to impose GPS monitoring is problematic. This means that GPS monitoring cannot be imposed when the defendant cannot afford the costs, even if a dangerousness assessment indicates that the case is potentially lethal. A better approach is one that requires defendants who have the ability to pay to do so and requires the state to pay when the defendant cannot afford it. This is extremely important not only because violent cases do not fall within clear economic categories, but also because many domestic violence victims struggle to recover from the cycle of violence, in part, because of economic dependence. Thus, a blanket rule that required offenders to pay the costs of monitoring and that lacked a waiver for defendants who could not afford the costs could negatively affect the victim's receipt of child support or maintenance. The Bill's language should clarify that GPS monitoring can be applied in all cases regardless of whether the defendants can afford to pay the costs, but that these costs should be waived in situations when the defendant cannot afford costs but the victim's safety may depend on GPS monitoring.

#### CONCLUSION

GPS monitoring should be used as part of a coordinated community response by teams that identify and respond to high-risk cases. When employed in this way, in combination with other graduated sanctions (such as the use of jails or detention facilities), these teams of people working together can save lives. Domestic violence homicide can be prevented. In honor of the precious and lost lives of Tiana Notice, Shengyl Rasim, Cindy Bischof, and so many other victims of domestic violence homicide each year, we urge the Connecticut Assembly to pass the strongest law possible to enable the criminal justice system to more effectively respond to and prevent domestic violence.

Respectfully submitted,

Diane L. Rosenfeld, J.D., LL.M.  
Lecturer on Law

Michelle Katz, Class of 2011  
Bethany Withers, Class of 2010  
Harvard Law School  
Gender Violence Clinical Students  
Cambridge, MA 02138

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PAGE 21  
LINE 8**Testimony Of Dianna Langston**

HB5497

HB5246

Good morning Senator McDonald, Senator Doyle, Representative Walker, Representative Lawlor and members of the Human Services and Judiciary Committee. My name is Dianna Langston and I am an Adult Advocate at New Horizons Domestic Violence Services in Middletown, CT. I am here today to support the domestic violence task force recommendations and to persuade you to allocate additional funds for 24-hour coverage at domestic violence shelters. With that said, I would like to tell you all about an amazing woman that I currently work with.

On December 2, 2009 our agency sheltered this woman and her 3 teenage children. I will identify this woman as Anne for confidentiality purposes. Anne and her 3 children have been through more trauma than any client I have had thus far. For the first time in 18 years, Anne, being married to an extremely abusive man, was able to safely leave her home. Anne has tried to leave several times in the past and attempted to seek help but she continually fell through the cracks. Anne and her oldest child are also undocumented immigrants. Anne taught herself how to speak English by watching cartoons with her children because her husband isolated her from the rest of the world. Nearly everyday of Anne's marriage she was degraded, beaten, and raped. Until the day Anne left, all 3 children were emotionally and physically abused as well. After over a two-month wait, Anne is currently working with an attorney who is helping her and her daughter file for a U VISA to gain residency. Without this visa, Anne and her daughter would never be able to attend college in the future and live their dreams of a better life. Anne's next step is to

begin divorce and custody proceedings with CT Legal Services so that Anne and her children can finally break the rest of their ties to a man each of them wishes to forget.

Anne is one of the many survivors the 18 domestic violence programs in Connecticut see every day. With our help, Anne and her teenage children will eventually be able to move out of the shelter and on to a violence free life. For Anne, that day cannot come soon enough.

Anne and her children, along with many others would never be able to break the cycle of domestic violence and safely be freed, if not for the services of domestic violence programs and laws designed to protect her. Today, I ask you to consider moving forward with Raised Bills 5246 and 5497. Thank you.



Greater Hartford Legal Aid

HB5284

**Testimony of Attorney Susan Garten, Greater Hartford Legal Aid  
In Support of HB 5497, AAC the Recommendations of the Task Force on Domestic Violence  
Judiciary Committee, March 15, 2010**

I am here on behalf of the legal services programs to support HB 5497. I want specifically to speak about sections 13 and 14 of the proposed bill. Those are the sections that protect the jobs of victims of family violence. Working people who endure family violence often experience difficulties in the workplace. Legal services attorneys represent numerous victims of domestic abuse as well as low wage workers. I have personally represented workers who were fired because their employers learned that they were victims of family violence.

Legal services advocates worked in partnership with the Connecticut Coalition Against Domestic Violence to develop the concepts of sections 13 and 14, but some of the language that we drafted is not included in the bill now before you. We believe that restoration of portions of the originally proposed language would strengthen important employment protections for victims of family violence. I have attached the suggested changes to my testimony.

Section 13 amends CGS §54-85b, which provides employment protection for witnesses or victims of crime. CT's current law prohibits employers from penalizing employees because they obtain a restraining order or a protective order. This offers insufficient protection to victims because there are many reasons why a victim of family violence may decide not to seek a restraining or protective order or pursue legal protections, including lack of access to an attorney, a lack of capacity or knowledge, a risk of elevating the conflict, or the determination that an order simply would not help the situation. Unfortunately, the proposed language in HB 5497, prohibits employers from penalizing only those family violence victims who participate in court proceedings or investigations related to the

Greater Hartford Legal Aid, Inc.

999 Asylum Avenue, 3Fl. Hartford, CT 06105-2465 • Tel: 860. 541. 5000 • Fax: 860. 541.5050 • TTY: 860. 541.5069 • [www.ghla.org](http://www.ghla.org)

violence. Victims who do not access court protections will not benefit from the proposed statute. It is therefore imperative that language be added to prohibit employers from taking adverse action against employees simply because of their status as family violence victims, even if they are not involved with court proceedings. All family violence victims should receive this protection, not just those whose safety plans include legal remedies.

Section 14 of HB 5497 addresses the critical need of some family violence victims for time off from their work for medical treatment, legal redress, safety planning, or relocation. Connecticut's current laws provide a patchwork of protections for victims of family violence, but the absence of a comprehensive approach deprives many victims of the protections and resources they need to be safe. For example, the federal and state Family and Medical Leave Acts do not cover workers just starting out or workers at smaller businesses (the majority of workers in Connecticut), and they only apply once domestic abuse has already resulted in physical harm, rather than helping to prevent the harm in the first place. Also, FMLA leave can only be used to obtain medical treatment, ignoring the other critical needs of victims. Section 14 fills that gap by allowing family violence victims to take paid or unpaid leave from their job for specified purposes related to the damaging effects of family violence.

Two of the original provisions developed by CCADV and Legal Services should be restored to section 14 to increase its effectiveness: one will enhance the confidentiality of the information that the employee gives to the employer concerning the family violence; the other adds a private right of action and remedies that would compensate the employee if the employer refuses to grant necessary leave time.

Another bill that extends employment protections to domestic violence victims was favorably reported out of the Labor and Public Employees Committee and referred to this Committee. That bill,

HB 5284 adds "actual or perceived status as a victim of domestic violence" to the protected categories of persons in the state's human rights statutes (§46a-60). We support the intent of that bill but think that the approach taken by the Task Force as embodied in HB 5497 will better protect family violence victims.

Suggested Substitute Language for HB 5497, Sections 13 and 14 from Legal Services

AAC the Recommendations of the Speaker's Task Force on Domestic Violence

Legal Services' Substitute Language is Highlighted Below:

Sec. 13. Section 54-85b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) An employer shall not deprive an employee of employment, penalize or threaten or otherwise coerce an employee with respect [thereto] to employment, because (1) the employee obeys a legal subpoena to appear before any court of this state as a witness in any criminal proceeding, (2) the employee attends a court proceeding or participates in a police investigation related to a criminal case in which the employee is a crime victim, or a civil case in which the employee is a victim of family violence, as defined in section 46b-38a, (3) a restraining order has been issued on the employee's behalf pursuant to section 46b-15, as amended by this act, or (4) a protective order has been issued on the employee's behalf by a court of this state or by a court of another state, provided if issued by a court of another state, the protective order shall be registered in this state pursuant to section 46b-15a. or (5) the employee is a victim of family violence, as defined in section 46b-38a. For the purposes of this section, "crime victim" means an employee who suffers direct or threatened physical, emotional or financial harm as a result of a crime or an employee who is an immediate family member or guardian of (A) a person who suffers such harm and is a minor, physically disabled, as defined in section 46a-51, or incompetent, or (B) a homicide victim.

Sec. 14. (NEW) (*Effective October 1, 2010*) (a) For the purposes of this section:

.....

(g) All information related to the employee's leave pursuant to [Any written statement or police or court record provided to an employer pursuant to subsection (d) of ] this section shall be maintained as confidential by the employer and shall not be further disclosed by the employer except as required by federal or state law or as necessary to protect the employee's safety in the workplace, provided the employee is given notice prior to the disclosure.

(h) [Any employer who violates the provisions of this section shall be fined not more than five hundred dollars per violation.] If an employer discharges, penalizes or threatens or otherwise coerces an employee in violation of this section, the employee, not later than one hundred eighty days from the occurrence of such action, may bring a civil action for damages and for an order requiring the employee's reinstatement or otherwise rescinding such action. If the employee prevails, the employee shall be allowed a reasonable attorney's fee to be fixed by the court.

KATHY EMMETTPAGE 16  
LINE 11Raised Bill 5497  
Public Hearing: 3-15-10

TO: MEMBERS OF THE JUDICIARY COMMITTEE

FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)

HB5284

DATE: MARCH 14, 2010

**RE: SUPPORT FOR SECTIONS 13 AND 14 OF RAISED BILL 5497 – AN ACT  
CONCERNING THE RECOMMENDATIONS OF THE SPEAKER OF THE  
HOUSE OF REPRESENTATIVES' TASK FORCE ON DOMESTIC VIOLENCE**

The Connecticut Trial Lawyers Association supports passage of the protections for employees who are victims of domestic violence contained in Sections 13 and 14 of the Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence – *i.e.*, the amendments to Conn. Gen. Stats. § 54-85b set forth in Section 13 which protect employees who are victims of domestic violence from negative consequences on the job for participating in civil as well as a criminal proceedings and extend the statute of limitations for bringing claims under the act from 90 days to 180 days and the new statutory provisions set forth in Section 14 which require employers to grant employees who are victims of domestic violence paid or unpaid leave that is reasonably necessary to seek medical care or counseling, to obtain victim services or to participate in related criminal or civil proceedings.<sup>1</sup>

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<sup>1</sup>CTLA understands that the following key provision which grants a private cause of action to an employee was inadvertently omitted from Section 14 in the version of Raised Bill 5497 before the Committee today:

If an employer discharges, penalizes or threatens or otherwise coerces an employee because the employee exercises his or her rights under subsection (-) of this section, the employee, not later than two years from the occurrence of such action, may bring a civil

In addition, CTLA strongly supports Raised Bill 5284 which designates individuals who are actual or perceived victims of domestic violence as a protected class under the Fair Employment Practices Act [FEPA], Conn. Gen. Stats. § 46a-60, and requests that the Judiciary Committee add it as a new section under the omnibus bill, Raised Bill 5497. Raised Bill 5284 has been referred by the Labor and Public Employees Committee to the Judiciary Committee.

At present there is no statute in Connecticut which is intended specifically to protect victims or perceived victims of domestic violence who are discriminated against by their employers in the terms and conditions of their employment because of their status as victims or perceived victims of domestic violence.

There is substantial need for this legislation. According to author Susan Pollet, "Domestic Violence in the Workplace; It's an Employer's Business" *Employment Law Strategist* (August 2005), 70 % of domestic violence victims are employed and one-quarter to one-half of all battered women lose their jobs due to domestic violence. Additionally, according to the Connecticut Coalition Against Domestic Violence's [CCADV] website, domestic violence is the number one cause of the loss of employment for women in the United States.

Conn. Gen. Stats. § 54-85b, as amended by Section 13 of Raised Bill 5497, provides essential protection on the job for victims of domestic violence who participate in criminal and, as amended, civil proceedings. The existing 90 statute of limitations is too short. The amendment extending the limitations period to 180 days is required because victims who are in

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action for damages and for an order requiring the employee's reinstatement or otherwise rescinding such action. If the employee prevails, the employee shall be allowed a reasonable attorney's fee to be fixed by the court.

It is essential that this provision be included in the bill so that the protections afforded by the statute can be enforced by an injured employee.

crisis cannot be expected to avail themselves of the protections of the act in so short a time.

Likewise, the right to take reasonably necessary leave guaranteed under Section 13 of Raised Bill 5497 provides a much needed protection for victims of domestic violence. Victims of domestic violence need the ability to obtain reasonable leave from work in order to deal with the unique challenges they face. For example, a victim of domestic violence may need time off from work to appear in court when a perpetrator of violence is arrested or time off to attend required counseling sessions or in order to make arrangements for minor children who may be affected by the domestic violence.

Finally, CTLA strongly urges the Committee to designate victims or perceived victims of domestic violence as a protected class under FEPA by including the provisions of Raised Bill 5284 among the protections afforded victims of domestic violence in Raised Bill 5497.

Unfortunately, victims and perceived victims of domestic violence are subjected to discrimination on the job simply because of their status as victims or perceived victims. Designating victims of domestic violence and perceived victims of domestic violence as a protected class under FEPA will provide a necessary protection for these vulnerable workers.

PAGE 18  
LINE 12

# 5497

Domestic Violence Crisis Center  
Serving the communities of  
Stamford, Norwalk, Westport,  
New Canaan, Darien, Wilton  
and Weston

Date: March 11, 2010

To: Senator McDonald, Senator Doyle, Representative Walker, Representative Lawlor and members of the Human Services and Judiciary Committees.

Re: Support for Enhancing Information Sharing Between Civil and Criminal Courts

Dear Sen. McDonald, Sen. Doyle, Rep. Walker, Rep. Lawlor and Members of the Committee:

Thank you for this opportunity to testify in support of enhancing information sharing between civil and criminal courts.

Proposed legislation, if enacted, would encourage civil court judges to take notice of an alleged abuser's past or pending domestic violence criminal charges. While we agree that facilitating information sharing between civil and criminal courts is in the best interest of victims of domestic violence in the State of Connecticut, we would suggest that the legislature consider taking a more comprehensive approach and create integrated domestic violence courts.

An Integrated Domestic Violence (IDV) Court model empowers a single judge with the authority to handle family, criminal and matrimonial matters, with criminal allegations of domestic violence forming the threshold requirement for entry into the IDV court. These three inter-related cases types would constitute the crux of the IDV Court's jurisdiction. The IDV Court model provides an opportunity to address the myriad of inter-related family problems that may bring a family into the court system in a comprehensive manner while providing integrated service delivery and improving both court efficiency and informed judicial decision-making.

The domestic violence provider and local law enforcement agency in Stamford, Connecticut have already begun moving to facilitate the creation of a more coordinated community response to domestic violence. Over the last two years, DVCC has taken major steps towards becoming a comprehensive service center for victims of domestic violence in our area. Expanding the legal services offered to victims of domestic violence, initiating a medical advocacy project to tie in medical service providers, creating a housing advocacy project, and increasing the breadth of our community education department are only a few of the efforts DVCC has made. Our local law enforcement agency created a Special Victims Unit, a unit staffed with highly trained officers devoted to working domestic violence cases. The partnership that DVCC and the Stamford SVU have fostered has exponentially facilitated the community response to victims of domestic violence. In addition to engaging in a daily dialogue, advocates and officers go out into the community multiple times a week and conduct unannounced visits to homes identified as high risk for domestic violence with the goal of increasing victim safety and offender accountability.

Administrative Offices: 777 Summer Street, Suite 400 • Stamford, CT 06901-1022 • Phone: (203) 588-9100 • Fax: (203) 588-9101  
Satellite Offices: 5 Eversley Avenue • Norwalk, CT 06851-5821 • Phone: (203) 853-0418 • Fax: (203) 852-6729

[www.dvccct.org](http://www.dvccct.org)

TOLL-FREE 24 HOUR HOTLINE: 1-888-774-2900

Unfortunately, despite all of our successful efforts towards creating a holistic community response, which facilitates the struggles of the courageous victims of domestic violence in our service area, our clients often still find themselves at a loss within the court system. The current lack of coordination in the Connecticut court system forces victims to expend an inordinate amount of effort to ensure that their safety is ensured and that their abusers are held accountable. For example, uncoordinated civil and criminal court proceedings necessitate multiple court dates, which places an undue financial burden on victims of domestic violence, as a multitude of court appearances tends to negatively impact employment, and thus their crucial financial independence. Additionally, the cumbersome responsibility of ensuring that the civil and criminal courts are each aware of what is happening in the other system, an awareness that is crucial to prevent abusers from using the court system to further victimize their victims, more often than not falls on the shoulders of these abused individuals. We believe it is time to build on the coordinated service structures for victims of domestic violence already in place and begin to create complimentary coordinated courts to further facilitate victim safety and offender accountability.

Victim safety, offender accountability, as well as trained and educated personnel are the cornerstones of the IDV Court model that combine to facilitate the court's ability to handle family matters in a consistent and comprehensive manner: each IDV would form relationships with a variety of stakeholder agencies, organizations, and social service providers, including victim advocates and counselors; one court would monitor offenders in both criminal and family contexts, and offenders' compliance with court mandated programs would be immediately communicated to one judge hearing all matters; and intensive domestic violence training would be provided to the relevant judges and staff in order to keep all personnel abreast of the latest research and best practices in the field.

We believe this should be the approach the Connecticut Assembly should model its information sharing efforts on, as it is the model that provides the most comprehensive and coordinated community response to domestic violence, and we urge both committees to enact legislation that begins to move Connecticut towards this best practice system.

Thank you for your attention in this matter. Should either committee have any questions, we would be happy to discuss this further at your convenience.

Sincerely,

Kathryn Pawlik, Co-Director of Court and Legal Services  
Andrea Dahms, Co-Director of Court and Legal Services

PAGE 18 #5497  
LINE 12

Domestic Violence Crisis Center  
Serving the communities of  
Stamford, Norwalk, Westport,  
New Canaan, Darien, Wilton  
and Weston

Date: March 11, 2010

To: Senator McDonald, Senator Doyle, Representative Walker, Representative Lawlor and members of the Human Services and Judiciary Committees.

Re: Support for Creating an Option to Extend Criminal Orders of Protection Beyond the Disposition of an Abuser's Criminal Court Case

Dear Sen. McDonald, Sen. Doyle, Rep. Walker, Rep. Lawlor and Members of the Committee:

Thank you for this opportunity to testify in support of creating an option to extend criminal orders of protection for victims of domestic violence beyond the disposition of the abuser's criminal court case.

As advocates working with victims of domestic violence whose abusers have been charged with domestic violence crimes, one of the most important safety planning tools we have available to us is the option to request that the court issue an order of protection. Protection orders enhance victim safety by, among other things, prohibiting certain otherwise legal actions that are either detrimental to the emotional well being of the victim or place the victim in jeopardy of further physical assault.

Part of guiding victims through the criminal justice system necessarily includes discussing any proposed disposition of the criminal case, and how that proposed disposition might impact their safety. The primary concern most victims present during these conversations is not how much jail time the abuser will serve, or the nature of any diversionary programs the defendant may be ordered to attend, but whether they will continue to have that enforceable order of protection.

Under the current law, orders of protection expire at the end of a defendant's criminal court case (i.e. when the case is dismissed, nolle, or sentenced). While victims do have the option of requesting a Standing Criminal Restraining Order, Standing Criminal Restraining Orders are only available post-conviction. With seventy-five to ninety percent of domestic violence cases in our service area being disposed of through diversionary methods, a Standing Criminal Restraining Order is not an option the vast majority of our clients have available to them. For a variety of reasons, judges are cautious about granting these lifetime orders. Further, not all of our clients are sure they require lifetime protection. For victims of domestic violence who find themselves in these situations, but who are nevertheless not yet ready for the order of protection to expire, the disposition of the criminal case creates a significant gap in their safety planning.

Some prosecutors have attempted to address this gap by assigning protections as conditions of probation (i.e. no threats or violence to the victim, residential stay away, or no contact with the victim). However, enforcement of these conditions of probation is problematic for victims, as police departments do not have the same authority to enforce conditions of probation as they do orders of

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protection. Advocates have further attempted to address the gap by requesting that cases in which victims have continued safety concerns be kept open for "monitoring." In these situations, cases might languish on the docket for no other reason than to continue the order of protection.

As we all are aware, the disposition of the criminal case has the potential to put any victim of domestic violence in a very precarious situation. The danger of further abuse is even greater for those victims who had the courage to request a Standing Criminal Restraining Order, and/or advocate for a disposition to the case that did not include diversionary programs, but whose requests were denied. All too often victims report that, although things at home had been progressing positively throughout the pendency of the case, as soon as the case ended, the abuse began anew, many times worse than before. This is, unfortunately, how the cycle of violence works. In these situations, victims are even more reluctant to report this behavior to law enforcement or the courts, as they feel the criminal justice system has let them down.

We urge you to give victims the option of requesting that their order of protection be extended beyond the disposition of their abuser's court case. To summarize, this legislative change would enhance victim safety in the following manner:

- A victim of domestic violence would be able to support a diversionary program disposition for his/her abuser, without the fear that this support necessarily eliminated the option of requesting an extension of the order of protection at the disposition of the case.
- It would decrease the number of cases prosecutors seek to keep open for "monitoring" based on a victim's safety concerns.
- Prosecutors would be able to request an order of protection continue throughout a defendant's probation, enforceable by law enforcement, as opposed to assigning unenforceable protections as conditions of probation.
- Standing Criminal Restraining Orders tend to be an all or nothing option, and available in only a limited number of cases. Creating the possibility to extend an order of protection beyond the disposition of a criminal court case would grant judges an intermediate option available in a greater number of situations, enhancing the safety planning of a greater number of victims.

Thank you in advance for your attention in this matter. Should either committee have any questions, we would be happy to discuss this further at your convenience.

Sincerely,

**Andrea Dahms, Co-Director of Court and Legal Services**  
**Kathryn Pawlik, Co-Director of Court and Legal Services**

To: Judiciary and Human Services Committee

From: Michele Waldner  
New Horizons

Date: March 15, 2010

RE: Raised Bill 5497: An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence.

Good morning, Senator McDonald, Senator Doyle, Representative Walker, Representative Lawlor and members of the Human Services and Judiciary Committees. My name is Michelle Waldner and I am the Director of New Horizons, a program of Community Health Center and the domestic violence program in Middletown. I am here today to talk about Section Two of Raised Bill 5497: An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence.

In this Section, it is proposed that anyone who has been charged with violation of an order of protection and who has been determined to be high risk be subject to electronic monitoring. In my support of this proposal, I would like to refer to the recent death of Chester resident, Bonnie MacKay Belanger.

According to all reporting, Bonnie MacKay Belanger did everything right. She filed for divorce, sought the protection of the court and received a protective order. She called the police when her husband came to the door in violation of the protective order. And today, she is dead.

I know electronic monitoring is just an additional tool that may help a victim to be safe. But, it appears that if Ms. Belanger's husband had been subject to electronic monitoring, she may have been alive today. She would have had ample notification that he was in the area, and the police would have been waiting at the house for him. Instead, he was already breaking into the house when Ms. Belanger called the police.

Bonnie MacKay Belanger is not the only victim who could have or will benefit from electronic monitoring. When any domestic violence offender is electronically monitored, they would have to stop and think about how to proceed when someone knows their whereabouts and every movement. It just might be the one thing that stops them from committing further acts of violence.

I thank you for listening to my request and I hope that you will support this bill.

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Prudence Crandall Center, Inc.

To: Members of the Judiciary Committee

From: Barbara Damon, Executive Director

Date: March 15, 2010

Re: Raised Bill 5497: An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence

Good afternoon Senator McDonald, Senator Doyle, Representative Lawlor, Representative Walker and members of the Human Services and Judiciary Committee. My name is Barbara Damon and I am the Executive Director of the Prudence Crandall Center. I am here today to ask you to insure that Raised Bill 5497 includes funding for Docket Court Family Violence Victim Advocates in each GA court in Connecticut.

In the New Britain area, we have worked extremely hard to create a coordinated community response to domestic violence. The Prudence Crandall Center recently opened a new facility that offers victims several housing options and the flexibility to work with individuals to meet their complex needs. Not all victims of domestic violence need shelter, transitional living or supportive housing, but for those who do this expansion is critical.

In addition to our emergency shelter, counseling, advocacy and support services, we have an advocate stationed at the New Britain Police Department who can work with a victim at the time of police intervention. This advocate can immediately explain what options are available to insure that the victim and her children remain safe.

Although we have recently secured funding through the Recovery Act for a docket victim advocate in the New Britain criminal court, the funding is only for one year. The New Britain criminal court has been identified as a docket court and for several years funding was not available to hire a docket victim advocate. There is no other funding source identified to replace these dollars and continue this work. Currently, the victim advocate we have that is involved with the docket works closely with victims to relay their concerns to the court, develop safety plans and uphold a victim's right to obtain information about the progress of the case.

A docket advocate in the court works to enhance our coordinated response to domestic violence for residents of New Britain and the surrounding communities. Please consider funding these docket courts. I thank you for the opportunity to speak with you today.

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**Testimony of the CT Chapter of the National Organization for Women (CT NOW)  
 Before the Judiciary Committee  
 March 15, 2010**

**Re: H.B. 5497, AAC the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence**

The CT Chapter of the National Organization for Women (CT NOW) strongly supports H.B. 5497, AAC the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence. We would like to commend the Speaker for recognizing the urgency of this issue and we applaud Representative Mae Flexer for her chairmanship of the task force. Domestic violence is an enormous problem facing our state and our nation that has only worsened in recent years. While we know that a recession does not *cause* violence against women, the economic stress caused by a financial downturn can make it harder than ever for a woman to escape her abuser, and cuts in funding can mean that the supports once available in her community may no longer exist. The recession does mean that the resources needed to support victims of domestic violence are more and more scarce.

The Speaker's Task Force has done an admirable job of working within the constraints imposed by the state's fiscal situation and has put forth thoughtful, viable proposals to address this problem. Most importantly, the Task Force has considered not only how to better protect women from violence, but also how to prevent such violence from occurring in the first place. While bringing shelters up to 24/7 staffing may seem like a strain on current resources, the effort is well worth it to ensure victims are supported at all hours of the day and that shelter staff is not stretched so thin as to be ineffective. One common-sense solution to the funding problem is the Task Force's recommendation to expedite the distribution of the Marriage License Surcharge funds to support shelters. The measures aimed at improving victims' experience with the criminal justice system are laudable, as victims can often feel intimidated and overwhelmed by the intricacies of the courts. Greater information sharing among agencies, improved enforcement of protective orders, and GPS monitoring will go a long way toward easing the frustration and pitfalls of the current system.

We live in a culture that glorifies violence, especially toward women. As a society, we must take steps to ensure that violence is not tolerated and that young people have the tools to address these issues. The proposal to include a teen dating violence curriculum in our schools is an excellent step in the right direction. Everyone in the community must be engaged in this work, including employers. We know that many victims are threatened, stalked and even assaulted by their abuser

at their workplace, which is why enhancement of protections for employees is another critical element of the picture.

We strongly endorse the measures outlined in this legislation and are encouraged to see the report's recommendations for further research into initiatives aimed at reducing domestic violence to be undertaken in the future. Thank you.

HB 5497

Dear Honorable Legislators,

I am writing to you about a matter of domestic violence that my children and I have had to endure and my struggle with our court system. I need to start off by telling you that I have been scared to write to you because of repercussions. I also need to tell you that I have been compelled to write to you because of the domestic violence I have read in the newspapers and seen on the television and the poor response and protection our judicial system gives to these matters. As the consumer, as a mother, as an interested taxpayer, I don't care about the lack of funds or the lack of resources the judicial system has to address these issues. My children and my friends aren't going to care either when I and or my children end up forever injured or dead because of a lack of response.

I am a college educated woman who for the past several years made a six digit income. I have multiple degrees and certifications. With less self esteem almost ten years ago I went through a divorce with an abusive husband. The courts at that time, it seemed to me, were not kind to women who had been abused and actually, in my case, favored the perpetrator as he would not bring the children up to be victims. This is what I was told by my lawyer at the time. I dropped the case and went back to my abusive husband for the sake of not leaving my children with him. I divorced him two years later without charges of abuse, which meant a better outcome for my children and I. We got therapy and alone we were better than when we were with their father. My children have grown up very well on many different levels because of my guidance and my love towards them.

My second husband was a school teacher and involved with a civics organization that meets the needs of children when I met him in 2005. No one gave any indication to me that he had emotional problems. He got along very well with my children, and with me in my forties and he in his fifties, we decided to get married that summer. Our baby daughter was born early the next summer and my husband began to unravel by that fall. I tried throughout the fall to get him mental health help, he continued to deteriorate and he was admitted to the psychiatric unit at Yale Hospital in the winter of 2006. He continued to work as a teacher and was involved with an organizational child event on the day he went to the Institute and admitted to having both suicidal and, towards my children and me, homicidal ideations. He was smiling while admitting this. He was carrying on in his everyday life at school, surrounded by persons and children while having thoughts of killing himself and us. He was getting mental health therapy while thinking these thoughts. Remember this while I proceed to tell you the struggle I've had trying to find protection for youngest daughter. Our court system knew his mental health issues, about his forty plus guns, his anger management issues and the concern I had for her because of violence in the home.

Since 2006 I was seeking help for this man in an attempt to keep our family together. I have felt firsthand with my first divorce what divorce can do to children emotionally, financially and

spiritually. I would not have wanted divorce for my three children. His family fostered my husband's poor choices and gave their son a place to run away to, overdose on drugs, and run away with guns to. Despite countless abusive (physical, emotional, verbal, psychological) accounts against my children and myself I continued to seek out help for him and to keep the marriage together while trying to do my best to safe-guard my children. Last winter he ran away for the last time I would allow and he filed divorce papers which he then tried to get stopped because it was more of his psychological acting out than what he really wanted to do.

My first trip into court was to review access for my husband for our daughter. Persons who knew him and were scared for my family's safety, and especially for my little girl's safety, thought for sure he would get supervised visitation. Instead family relations discounted what I said and gave him a preschooler to be with four afternoons a week. Those who thought it would be supervised visitation are college educated persons, some were social workers. Family Relations set up the drop-offs and pick-ups at his family's house where he is residing. They set my daughter and I and my children up for disaster. For over a month with his daughter standing in the yard while he ignored her and sometimes with my older children in the car he yelled at me, threw things at my car, hit the car, tried to pry open doors, and made threatening calls to me while I was driving away. I spoke up to my lawyer and was told repeatedly to "ignore" it. I was ignoring it and he was escalating and I was reporting it and nothing was changing. Without going into all the details in the spring of last year I showed up to get my daughter after a visitation with her dad and he snapped. Swearing at me he ran towards me, I tried to run into my car, I got in and was using my phone to call 911. He grabbed my phone after going over the two front seats I was stretched over, broke the phone in half and threw it at my face. As he backed away from the car I got the door shut and locked. He was yelling throughout and hitting my car while my poor preschool daughter stood on the grass scared. He finally went away from the car and I got my daughter in to the car and proceeded to call 911 while he continued to hit the car and scream at us from outside. I told my daughter it would be all right. The police came and when all was said and done we were both arrested. The arresting officer stated I would thank her for this. Thanking her has never entered my mind. I have been a law abiding citizen who has taught my children the difference between right and wrong and if our judicial system honestly thinks that I want to deal with domestic violence by being arrested because they set me up in a situation they shouldn't have in the first place, that I will be happy telling my employer that I need to go to court because I've been arrested, because I'm going to seek help while dealing with a mentally disturbed individual whom I can't possibly have any control over.....none of this, including what that officer said to me, makes good sense.

I and those who know my husband understand the potential threat he is. I have spent thousands of dollars trying to do the right thing, to get protection for my daughter, myself and my two other children. I am speaking up because I worry about the woman who doesn't have the ability, self-esteem, money or the know-how to speak up. When I talked to the victim's advocate at the Court House a few weeks ago and was telling her some of what I experienced, I asked her if there was an ethics committee I could discuss this with. She told me there was none and what she could

offer me was a crisis hotline number. When I think of the treatment my children and I have received, and I will acknowledge that the police station location for visitation pick-up and drop-offs was good, I consider a lot of the treatment less than adequate. I have an excellent lawyer who has represented me in the best manner that he can but the system, on a whole, seems disabling in regards to the family with domestic violence, mental health issues and the safe guarding of victims. I can't help but thinking about the consumer who can make a complaint about me to the department of health and the accountability I have in my day to day job. If I told my clients I didn't know how to get the medication or treatment their loved one is expecting, if I ignored their requests and correspondences all together or if I told them some insulting remark which I have had more than once by a respected lawyer and advocate ("that's what happens when you make babies," "you need to put your big girl pants on."), if I knowingly placed them in harm's way and figured I'd not get involved when problems were occurring, I wouldn't have a job. Is it acceptable for a court appointed psychologist who is highly regarded to have heard my husband admit to a death threat against me and then pretend that it didn't even happen? Is it acceptable for me to be asked by him to record all questionable behaviors, then tell me past behaviors don't matter and then tell me to report only current behaviors and then to disregard those behaviors? Is it okay for court orders to be put into place and say they will be strictly enforced and then when they aren't to have one reason after another as to why they aren't enforced (such as too much time elapsed before the attorney found out or we can't address every issue, and I need to ignore his behaviors)? While seeking protection for my daughter a solution that the guardian ad litem offered for my safety was for my daughter's father to take her from Friday after school till Monday morning where she would then go to her babysitters. She would be spending 60+hours every other weekend with a mentally unbalanced, unsupervised man and everyone one of the lawyers found this to be a viable option. When I protested they were looking at me like I am unreasonable. My child's guardian ad-litem said to me if he (her father) could hurt her in two hours than what difference does twenty-four hours make? Is it just me or does anyone see how twisted and disregarding this is? What hurts the most is the feeling that I am powerless in the end to a system that I have no control over. I have found little accountability and greater protection of the rights of the abuser with mental health issues than for the concern of the victims who at the least will be scarred by mental, emotional, psychological abuse and at most may be harmed physically, even possibly lethally.

The great attempts that have been made, thanks to his well paid lawyer, to paint my husband as an average man who is a little off because of divorce procedures rather than the ever unstable always unpredictable, possibly suicidal or homicidal individual with a small child and a wife at his disposal that he has issues with has been surreal not only for myself but for a whole community of people that have been standing at the side lines watching this. The lawyers have repeatedly referred to his behaviors as "normal divorce behavior." This normal divorce behavior would include taping me without my knowledge and playing them in court, at my church where he forced people to listen to them and other forums as well. He has tampered with my personal data, and discontinued utility services with no punishment. He called into the recovery room at a hospital when I was there for surgery under Jane Doe and no one could figure out how he had

been able to call into that number. He has showed up six hours late for a drop off and threatened me at the police station where pick-ups and drop-offs occur at this time and when reported to the lawyers nothing changed, nothing happened. He has also followed me out to my car, and continues to try to engage in conversation despite a court order stating this should not be happening. He continues to say negative things about me at my child's school despite a court order stating this is not allowed. The lawyers and the court appointed psychologist I am stating involvement with these concerns are each highly respected. There have been discussions about moving the pick-ups and drop-offs away from the police station and giving my husband more time alone with our daughter. Without the court system helping me to protect myself and my family, my children and I will continue to suffer from his harassment and abuse. Despite threats, aggressive actions and abuse of my daughter by my husband I continue to be in a position of having to try to defend my daughter and self in a system that seems to want me to just look the other way. This "normal" man has had years of irresponsible and unbalanced behaviors and my fear, as it is of others as well, is that he is the next one who will sadly put our family on the front page. What I don't want to have happen is hearing, "we tried to warn them," "we all saw it coming," "I wish there was something I could have done."

For the protection of my children and myself despite the ignorance and downplaying of this situation by professionals in the judicial system, which I feel is more from a lack of education about domestic abuse and that they don't know what to do, I will continue to seek out help for us within the framework of our judicial system. I hope that you are doing everything in your power to help make this a better system for all the woman and children who are counting on you. No matter what our calling professionally it has always been my understanding that we must remember to be respectful to each other while serving the greater good. I believe our state can make improvement in the area of domestic violence. We need to get going in that direction. In ten years time I see little improvement and neither do those I know. Please consider this cause worthy of your undivided attention.

Respectfully,  
A Connecticut mother and taxpayer.



H.B. 5497

165 Capitol Avenue  
Hartford, CT 06106-1658

**AN ACT CONCERNING THE RECOMMENDATIONS OF THE SPEAKER OF THE  
HOUSE OF REPRESENTATIVES' TASK FORCE ON DOMESTIC VIOLENCE**

**Written Testimony for the Judiciary Committee  
March 15, 2010**

The Department of Administrative Services ("DAS") fully supports expanding the protections afforded to victims of domestic violence. We understand that, in addition to the numerous other challenges these victims face, they sometimes face challenges in the workplace. As the agency that implements many of the leave of absence rules for state employees, however, DAS would like to point out some practical concerns with the language of Section 14 of HB 5497.

**HB 5497 Provides Unlimited Leave from Employment and No Eligibility Standards**

Section 14 of House Bill 5497 guarantees unlimited leave to victims of domestic violence and certain family members. As written, the bill does not provide any restrictions whatsoever on the amount of leave that an employee can request or on the frequency with which a person can take the leave.

Furthermore, the current language of HB 5497 does not impose any eligibility requirements on employees who may take the leave afforded under this bill. Therefore, an employee can be hired on day 1 and then take an unlimited amount of leave starting on day 2. This is a very broad provision. By way of comparison, other laws providing protected leave to employees provide a more balanced approach - taking into consideration both the employee's need for leave and employer's need to be able to effectively operate its business.

- The Federal Family Medical Leave Act ("FMLA") limits leaves to 12 weeks in a 12 month period. Additionally, the employee has to meet eligibility criteria to be afforded FMLA protections, namely the employee must have worked for the covered employer for at least 1 year prior to taking the leave, and must have worked at least 1250 hours in the year preceding the leave.
- The State Family & Medical Leave law affecting private sector employers limits leave to 16 weeks in a 24 month period. Additionally, this state law imposes eligibility requirements that are similar to those under the federal FMLA (except the employee need only show that s/he worked 1000 hours in the preceding year).
- The State Family & Medical Leave Law affecting state employees limits leave to 24 weeks in a 24 month period. To be eligible for rights under this law, employees must

be "permanent," which generally means that the state employee has worked for at least 6 months and has passed his/her working test period.

The only restriction under HB 5497 on the amount of leave time that an employee can take is that the employee has to show that the leave is "reasonably necessary" to obtain medical care, counseling or victim services, to relocate, or to participate in a court proceeding relating to the family violence. However, the legislation does not provide guidance regarding who determines how much time an employee should be reasonably provided (where, for example, physicians provide guidance to make this determination under the FMLA laws, the pregnancy disability leave law, etc.).

#### **The Advance Notice Requirements in the Bill are Not Practical**

HB 5497 prohibits employers from requiring more than 7 days of advance notice when an employee needs to take leave under the provisions of this bill, even when reason for leave is foreseeable. DAS respectfully submits that this provision is unmanageable. How can employers make any arrangements to cover the employee's absence when the employer cannot get advance notice? Additionally, why should an employee and employer be prohibited outright from discussing plans regarding an employee's foreseeable absence?

By way of comparison, under FMLA, employers can require at least 30 days advance notice for foreseeable leave.

#### **HB 5497's Application is Much Broader than Similar Statutes**

Because this bill applies to all employers with 1 or more employees, it will most likely be a burden to small employers. By comparison, employers are not required to provide employees with federal FMLA leave unless they have over 50 employees. Under the state's private sector FMLA law (C.G.S. § 31-51qq), employers must have 75 employees before leave rights exist.

#### **Additional Remarks for the Committee's Consideration**

- As written, this leave would be in addition to any rights employee has under FMLA. Therefore, an employee could take 12 weeks of FMLA because of medical issues caused by being a victim of family violence, and then be entitled to an additional unlimited amount of leave under this bill.
- By defining "leave" to include "flex time" an employee may use this bill to require an employer to give him/her flex time even if the employer's business is not set up to provide for flex time, flex time is not appropriate for employer's business or is contrary to the needs of the business's clients/customers.

Thank you for considering DAS's views and comments with regard to this bill. If you have questions regarding this testimony, please contact DAS's legislative liaison, Andrea Keilty (860-713-5267).

RICHARD BLUMENTHAL  
ATTORNEY GENERAL



55 Elm Street  
P.O. Box 120  
Hartford, CT 06141-0120

Office of The Attorney General  
**State of Connecticut**

**TESTIMONY OF  
ATTORNEY GENERAL RICHARD BLUMENTHAL  
BEFORE THE JUDICIARY COMMITTEE  
MARCH 15, 2010**

I appreciate the opportunity to support House Bill 5496, An Act Concerning Restraining Orders for the Protection of Family Violence Victims in the Workplace and House Bill 5497, An Act Concerning the Recommendations of the Speaker of the House of Representatives Task Force on Domestic Violence.

Family violence is a horrific crime. Victims often suffer lasting, severe physical injuries, even death – as we have seen recently in Connecticut. The aggressor knows where the victim lives and works. Family members remain unsafe in their own homes and even at their workplaces.

The growing incidence of domestic violence has reached epidemic proportions, exacerbated by economic pressure, anger and anxiety.

The statistics are staggering. In Connecticut, there are more than 50,000 victims of domestic violence each year, according to the Speaker's Task Force on Domestic Violence, and the impact is not simply on adults but also children who witness the assaults or are abused themselves.

In partnership with Interval House, I recently helped initiate a program called Men Against Domestic Violence, combining leaders from a broad range of backgrounds such as police chiefs, business owners, media representatives, educators and others. Family violence is not solely a women's issue. Most aggressors are male, and men have a duty and responsibility to speak out and stand up against domestic violence, sending a strong message to all boys, teens and adult males.

Domestic violence is a cycle that must be broken by role models, community outreach and compelling leadership. The most telling statistic about this epidemic is that more than 70 percent of men who batter women or children have seen or experienced such abuse in their own lives. In breaking this cycle, stronger laws are necessary to support private and public programs.

In one of the most critically important initiatives this year, House Bill 5947 would authorize a court to require electronic monitoring of the person who is subject to a restraining order. All too often restraining orders are violated with impunity. Time after time, restraining

orders fail to deter aggressors from attacking. Electronic monitoring enables the victim and law enforcement to take preventive measures.

House Bill 5497 also broadens the court authority to provide and receive information regarding domestic violence from various sources, including family relations counselors. In addition, the legislation authorizes disclosure by the court's family violence intervention unit of any relevant information to the state's attorney, the Department of Children and Families and other law enforcement agencies. Finally, the legislation allows the court -- in appropriate circumstances -- to issue a standing criminal protective order, extending for a period of time set by the court.

These measures are desperately necessary -- and needed now -- to combat the epidemic of violence against women and children.

Irrefutable statistics show the need. Some 20,000 employees nationwide were victims of family violence, harassment or abuse in their workplaces; 70% of family violence victims were also harassed at their workplaces in addition to their homes. The first number is from a review of United States Department of Justice statistics from 1992 through 1996. The second statistic is from an American Institute on Domestic Violence report in 2002.

House Bill 5497 would require employers to provide paid or unpaid leave for any employee who is a victim of family violence when such leave is reasonably necessary to seek mental or physical health care, to move to a new home or participate in a court proceeding related to family violence. In a highly significant step, House Bill 5496 would allow businesses to seek a protective order for an employee who is the victim of family violence. These provisions recognize the need to provide better protection for victims at their place of employment.

I urge the committee's favorable consideration of House Bill 5496 and House Bill 5497.



900 Chapel St., 9th Floor, New Haven, Connecticut 06510-2807  
Phone (203) 498-3000 • Fax (203) 562-6314 • www.ccm-ct.org

~~THE VOICE OF LOCAL GOVERNMENT~~

## TESTIMONY

of the

## CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

## JUDICIARY COMMITTEE

March 15, 2010

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local governments - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population.

We appreciate the opportunity to testify on the following bill of interest to towns and cities:

**R.B. 5497, "An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence"**

CCM is not sure of the fiscal impact of Section 14, which mandates that employers, including towns and cities, allow employees to use sick leave for a variety of domestic violence-related procedures.

We, therefore, urge the Committee to obtain a fiscal note on this bill.

Thank you.

★ ★ ★ ★ ★

If you have any questions, please call Ron Thomas or Gian-Carl Casa of CCM at (203) 498-3000.



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

*In Support of:*

H.B. No. 5497 (RAISED) An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence

*Joint Committee on Judiciary - Joint Committee on Human Services  
March 15, 2010*

The Division of Criminal Justice supports H.B. No. 5497, *An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence*. We commend Speaker Donovan for establishing this task force and we thank Representative Flexer and the other legislators who served on the task force for their thoughtful review and careful examination of these important issues. For many years, the Division of Criminal Justice has taken a leadership role working with victim advocates and others to strengthen our laws to protect the victims of domestic violence. The Division played an integral role in the creation of the first dedicated court dockets for domestic violence cases.

Despite these initiatives, domestic violence remains one of the most serious public safety issues in our state. It is clear that we must not only continue our existing programs and initiatives such as the use of dedicated dockets, but that we must expand those programs and look for further solutions. H.B. No. 5497 offers many positive steps forward in the effort to achieve this goal. The Division of Criminal Justice supports the bill and would respectfully offer the following recommendations for improving the legislation:

The Division supports the concept outlined in section 1 of the bill to provide for electronic monitoring of domestic violence suspects under certain circumstances. However, the bill as now written does not address the question of what happens when a defendant refuses to pay for such monitoring or cannot pay due to indigency. The bill also provides no penalty for failure to comply with this new requirement. The existing process for a criminal violation of a restraining order is very specific and an individual who did not comply with electronic monitoring could not be charged under existing law. Similar concerns apply to subsection (h) of section 3 of the bill. Again, there is no sanction for failure to comply with the electronic monitoring and there is no readily apparent system for determining noncompliance.

Section 3 (c) (F) should be amended to allow disclosure to the Department of Correction for the purposes of determining service needs, restrictions and supervision regarding a defendant who is serving a sentence.

Section 3 (f) should be amended to provide that the protective order is sent to the law enforcement agency for the town in which the victim resides. In this regard, the language in section 7 (a) of the bill would be preferable for this section as well.

With regard to subsection (h) of section 3, the Division of Criminal Justice supports the revision of the eligibility criteria for the Family Violence Education Program (FVEP) to exclude individuals charged with violation of section 53a-62 (a) (1) of the General Statutes, that being Threatening in the Second Degree where one individual intentionally places another in fear of imminent "serious physical injury." As defined in section 53a-3 (4) of the General Statutes, serious physical injury means "physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ." There is no reason why what amounts to a promise to commit a more serious assault should not be treated as the serious threat that it is. Why would we want someone who makes such a promise to have the record of that conduct erased? The Family Violence Education Program should not serve as a shield for those who would make such threats. By removing eligibility for those charged with violation of section 53a -62 (a) (1) a public record will exist to alert law enforcement and potential future victims of this conduct.

The Division believes the provision in section 7 of the bill to require distribution of a copy of a protective order to the law enforcement agency for the town or towns in which the victim lives and works and in which the defendant lives is a major improvement over current law. This change will provide better guidance to the court clerks in determining to whom these orders should be distributed. The Division, however, would recommend further revision to subsection (b) of section 54-1k beyond that detailed in lines 431 through 433 of the bill. We would recommend that such protective order remain in effect for as long as the case is pending rather than for the "time deemed necessary by the court" as proposed in lines 431-433 of the bill.

Section 11 of the bill may be one of the most significant in terms of addressing the high rate of recidivism in domestic violence cases. The Division of Criminal Justice for some time has supported and recommended legislation to provide for a ten-year "look back" in domestic violence cases for purposes of applying the persistent offender statutes and the resulting sanctions. Further, we have also recommended the expansion of the law to allow for the inclusion of offenses committed in other states. Neither of these provisions is by any means a revolutionary approach: the State of Connecticut and others already apply a ten-year look back and the consideration of out-of-state offenses in the prosecution of drunken driving cases. A ten-year look back and the addition of out-of-state convictions are equally appropriate in domestic violence cases, especially considering the incidence of repeat offenders.

With regard to section 12 of the bill, the Division was a pioneering force in the efforts to establish dockets dedicated to domestic violence cases and the use of vertical

prosecution in such cases. This approach has been quite successful and the Division fully recognizes and supports the intent behind this section of the bill. However, we must stress that specialized dockets must have the accompanying resources. As we detailed in testimony to the Speaker's Task Force and to the Appropriations Committee in the past, the Division's shrinking budget has jeopardized its capacity to support existing domestic violence dockets. Any consideration of expanding these dockets must come in the context of how much longer we can support what we already have in place.

With regard to section 14 of the bill, relating to the employment status of victims of domestic violence, the Division understands and supports the intent of the bill. However, we would ask the Committees to focus additional attention on the dynamics of how this system would work. Specifically, there are references to a "police or court record related to the family violence." Would such records be available to the victim or excluded from disclosure under the Freedom of Information Act? The Committees may wish to examine this language in greater detail and consider refinements.

In conclusion, the Division of Criminal Justice again extends its appreciation to the Speaker's Task Force for its work in this important area. The Division thanks the Judiciary and Human Services Committees for affording this opportunity to present our input on this matter. We would be happy to provide any additional information or to answer any questions the Committees might have.

Respectfully submitted,

Patricia M. Froehlich  
State's Attorney  
Judicial District of Windham

Kevin T. Kane  
Chief State's Attorney

Good Morning,

I am testifying regarding: The House Speaker's Task Force on Domestic Violence and their bill proposal HB 5497.

I am a victim of domestic violence. The hardest label I have had to except. Less than ten years ago I was going to work in business attire. I was strong and never would have thought I would be in this position. My husband suffered from an infection in his brain shortly after our marriage. It was quite sometime till he recovered and a very different person started to surface after the birth of our child. The past two years he has abused me physically and mentally. He also has verbally abused our daughter and was neglectful. Over the summer his abuse lead to threats when divorce was mentioned. He has threatened to kill us. Even as far as saying, "I will kill you, her and then myself" (while putting his finger on our five year old daughter's forehead).

In September his rage turned to violence again and threats. I called the police. He was arrested and we now have a protective order and restraining order. He has broken both of them. Both are due to end next month. Only two days after his first arrest, DCF showed up at my door. Now some would say that was too soon and it caused undue stress. I strongly disagree. Of course the name DCF is troubling. The investigator spoke to myself and daughter and gave advice as far as counseling, domestic advocates and legal. She also did a full report and got him to admit to the abuse as well as privately speaking with my daughter who confirmed the threats. Here is where I see the problem. When we went to civil court for the formal restraining order, he had council. She filed for divorce after hearing me speak of it. I did not have council. I was a stay at home Mom and he had the financial means to seek council. As soon as the word "divorce" was entered into the abuse, it turned into a "private" matter. We have to re-prove the abuse as true and not made up. In civil court we have not had the opportunity to do so. Although we had the DCF investigation report and they ruled against him, it seemed to not matter! Confidentiality made it impossible to hand a judge those papers. I was told the only way was to go to trial and have them order the investigator to court. This drags out the court and causes more financial hardship and resentment. My lawyer through Legal Aid withdrew from our case and my parents had to hire a new attorney since we did not have the means to do so. My daughter has to go to supervised visits with her father. She suffered a big set back just days after the first visit. How is it ok to have a five year old in a room with someone she doesn't know and the man who said he was going to kill her? Now his attorney is mentioning wanting to do a parent plan that says he can have her on weekends! We have a big fight in our future. New people will be involved and my child will have to repeat everything. At this point she attaches no emotion while speaking about the abuse. I guess what I want to bring attention to is in any other situation a person would not be told to stay in a room with someone they think will kill them and certainly not go somewhere alone with them. Because he is labeled her "father" she has too. There are so many people who have witnessed his abuse to us first hand and a state run program like DCF that knows what is happening. I see the news and my real fears are played out. I live in constant fear.

What I would like to see happen is very basic. In civil matters where domestic violence and criminal charges are made known, any report such as DCF should be available to view by the judge without having to wait months for a trial. A huge problem in our case and others too is the court goes slow. The estranged spouse is not patient. They become even angrier. They then want more. They figure they can hurt through legal means. If that fails they find other means as we have witnessed in recent events. Their hired attorney of course fights for them and tells them they can request whatever and that they are right. It just fuels an already burning fire.

My reason for writing this testimony is as follows: If a state agency such as DCF does an investigation very early in a case and finds abuse that is life threatening, a civil court should admit that report into record as soon as it is available. If a parent threatens to kill their child on more than one occasion, and even admits it, they should have their rights terminated by the state. A five year old cried out to a stranger, stating she doesn't want her Daddy to send her Mommy and her to heaven. Her cry is unheard in either criminal court or civil!

I was never told I had a right to give a victim impact statement in criminal court. The criminal charges have been on the docket since September 2009 and I was never asked to give any input. I was never asked any questions. Next month they will sentence him and so far there is no testimony on my behalf or my daughter's. I was asked to sign something before this time. I was not told what it was. I later found out it was agreeing to the sentencing. I was not told I had a choice of not signing. I do not agree. They will excuse jail time and place him on probation. The condition of probation is he must follow the terms of a protective order but only in regards to me. My daughter would not be included!

I ask you to please consider this bill. It would help other women like me going through this greatly. I often feel I have no support in the courts and that I go unheard. Every step has been a complete struggle and fight that has rested on my shoulders alone. I "feel" alone and most importantly scared. I promised my daughter I would keep her safe. Recently she said I could not. She is right.

Thank you for listening to my story,

Sincerely,

A current Victim of Domestic Violence and the Legal System

Ansonia, CT - (S)



To: Judiciary and Human Services Committee

From: Kathy Barron, Executive Director for The Network Against Domestic Abuse

Date: March 15, 2010

RE: Raised Bill 5497: An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence

Good morning, Senator McDonald, Senator Doyle, Representative Walker, Representative Lawlor and members of the Human Services and Judiciary Committees. My name is Kathy Barron and I am the Executive Director for The Network Against Domestic Abuse which services the towns of Enfield, East Windsor, Windsor Locks, Suffield, Somers and Stafford. I come before this committee today to support Raised Bill 5497, in particular Sections 13 and 14 which allow for additional employment protections for victims of domestic violence.

It is my belief these additional benefits will help victims of domestic violence from becoming revictimized in the workplace. Many victims are already embarrassed to speak about their situation especially individuals who may be in high level positions. When their jobs become jeopardized it may be only then that they will be willing to come forward about the abuse they are experiencing. They should be protected by law, not penalized if they disclose the fact they

Network Against Domestic Abuse

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are a victim. Being a victim of domestic violence is more than the abuse. When a victim decides to leave or if her abuser has been arrested she must go to court, perhaps see a doctor for her injuries, receive counseling for her trauma, find a safe place to live if her home isn't any longer, uproot her children and change the routine of her life in general. All of these things will require her to lose time from her job. Her job may be the only stability in her life and by leaving the abuser it will become her sole income of support. It is known that economic independence is one of the strongest indicators of whether or not a victim can leave a batterer.

As a victim of domestic violence in the 80's and working in a manufacturing environment I was revictimized by the manager of the department I worked in. I would come in late or not come in at all because of the abuse I received the night before, too embarrassed to show my bruises in public. During this time my abuser was arrested and I once again needed to take time off to go to court. My abuser stalked me, and even with a restraining order which I carried with me at all times, he freely walked into my place of employment. But I didn't want to say anything because I was afraid of losing my job. All of this happened over a period of three years and when I finally decided to speak out to my manager about it during my review process he explained that my personal issues were not to be brought into my job and the expectations were that I fix it because my job was in jeopardy as a result of my attendance and lack of focus. At this time I was a Quality Control Supervisor of records. I was dependent on my job for it was the only source of income I had to support myself and keep my home. Even when my life returned to normal, that period of time marked me. I was pitied by the manager who thought me unstable and when it was time to downsize our facility I was one of the ones to go.

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As I stand before you today both as a survivor and executive director of a domestic violence agency I ask that you make Connecticut the 41<sup>st</sup> state to have legislative laws designed to give victims additional protection in the workplace. Don't let the workplace become another barrier for the victim – allow it to be a safe zone, sanctuary and a source of income so the victim can escape. Thank you.

**Network Against Domestic Abuse**

139 Hazard Avenue Building 3 Enfield, CT. 06082



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

**EXTERNAL AFFAIRS DIVISION**

231 Capitol Avenue  
Hartford, Connecticut 06106  
(860) 757-2270 Fax (860) 757-2215

**Testimony of the Honorable Lynda B. Munro  
Chief Administrative Judge for Family Matters  
Judiciary and Human Services Committee Joint Public Hearing  
March 15, 2010**

**House Bill 5497, AAC the Recommendations of the Speaker of the  
House of Representatives' Task Force on Domestic Violence**

Senator McDonald, Representative Lawlor, Senator Doyle, Representative Walker and members of the Judiciary and Human Services Committees, my name is Lynda Munro and I serve as the Judicial Branch's Chief Administrative Judge for Family Matters. Thank you for the opportunity to appear before you to address several of the bills on today's agenda. One of these bills is House Bill 5497, An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence.

I would like to thank the Speaker and the members of the Domestic Violence Task Force for taking on this very important issue. Historically, Connecticut has been at the forefront of the response to family violence within the criminal justice system. Yet recent events have shown us that there is still much work to be done. We are seeing a growing trend toward complex and high risk cases, including those with both family violence arrests and emotionally charged divorce and custody issues. Against this backdrop, our state has recently experienced a significant number of family violence hostage situations and cases with an extreme level of violence, including fatalities. This bill will improve our state's response to the tragedy of domestic violence by addressing many of the "gaps" in the system.

**Sharing of Information:** Under our current system, the Judicial Branch's Family Services unit conducts a comprehensive intake process for each person arrested for a domestic violence crime. This process includes administering a validated risk assessment instrument to determine the level of risk, as well as identifying and assessing offender and victim needs. Through the comprehensive intake process, family relations counselors gain a great deal of information about the defendant, which could be very useful to others who are dealing with that same defendant. However, Family Service is prohibited by current law from sharing this information with them. This bill would change that.

Section 3 of the bill would expand the ability of family relations counselors to share this valuable information. It would allow pertinent information to be shared with certain categories of Judicial Branch employees: other family relations counselors and supervisors, bail commissioners supervising defendants on pretrial release in domestic violence cases, and probation officers supervising defendants who have been convicted of a family violence crime and placed on probation. It makes good sense to provide information about risk and service needs that has been gathered by family relations counselors to those who will be supervising that person. The proposal would also allow information about their clients to be shared with those who provide family violence programs and services to persons referred by the court, for the purposes of determining program and service needs. All of this sharing of information will greatly enhance the treatment and supervision of defendants in family violence cases.

The bill would also allow family relations counselors to share information that indicates that a defendant poses a danger or threat to a child with the Department of Children and Families, so that they can take steps to ensure that child's safety. It would also allow family relations counselors to disclose to a law enforcement agency information indicating that a defendant poses a danger or threat to another person, so that they can take measures to protect that person. Allowing this important information to be shared with these key system players will significantly enhance efforts to ensure victim safety.

I would respectfully request that you consider expanding the information sharing to juvenile probation officers. Sharing this information with them will allow juvenile probation officers to ensure that their clients get the services they need.

**Electronic Monitoring:** The bill would also allow a judge to order electronic monitoring of domestic violence offenders. It does so in both the civil context, when a restraining order has been entered, and in the criminal context, for family violence cases. While we recognize the value that this type of monitoring can provide, the Judicial Branch does have some concerns about it. One major concern is that implementing electronic monitoring in family violence cases will require additional resources, at a time when we all know such resources are not available. While the bill does require that the person who is subject to the monitoring pay the cost, we are concerned that many will be unable to afford it, and that the state may have to absorb the cost. In addition, there are some administrative costs involved. I have attached to my testimony, for you information, cost estimates for the various options that are available.

In addition to our cost concerns, we have some reservations about allowing electronic monitoring in restraining order cases. Restraining order cases begin when the victim comes to court to apply for the order. The person against whom the victim is seeking the order (the respondent) is not present in court at that time. The application is brought to a judge, who determines whether the order should be signed based on the sworn facts alleged in the application. It would be very difficult at this point for a judge to order that the respondent, who is not before the court and has not yet gotten notice of the application, be subject to electronic monitoring. If the order is granted, a hearing date is assigned. Even if the respondent appears at the hearing to contest continuation of the restraining order, it would still be difficult to implement electronic monitoring at this point. Family Services has not historically been part of the restraining order process and there is not sufficient staff to cover these cases, so no risk assessments are administered in these cases. Absent this critical information, it would be very difficult for a judge to determine which cases are appropriate for electronic monitoring. I would note that if a person is later arrested for violating a restraining

order, they would then be in criminal court and electronic monitoring could be imposed under section 3 of the bill.

On the criminal side, the use of electronic monitoring is more feasible. The defendant is before the court, and has been arrested for violating a law. The comprehensive intake process, including a risk assessment, will have occurred. The language of the bill limits the use of electronic monitoring on the criminal side to those who are charged with violating a restraining or protective order and who have been determined, through the intake process, to present a high level of risk.

The use of electronic monitoring for domestic violence cases is a relatively new practice and there has been limited experience with its use. Currently, only four jurisdictions are using this technology - Massachusetts, Maricopa County in Arizona, Washington State and Cook County, Illinois. While it has the potential to be of great benefit, it also raises numerous issues to be resolved. We would respectfully suggest that the Legislature consider beginning with a small pilot program. This would afford everyone involved with an opportunity to identify strengths and weaknesses and address any problems that may arise, and it could be accomplished with fewer resources.

The monitoring program that we contemplate utilizing is a pilot program that would use the commercial grade First Alert GPS system. This is not the highest grade of program available in the market place, but we believe it represents a fair balance of the importance of the service and the costs of its provision. This system contemplates the notification of a victim and police authority when a defendant has ventured into a proscribed zone. A pilot of three jurisdictions for defendants who have been determined to present the highest risk would potentially cost \$140,160 annually, and we believe there is federal grant money available to cover some of this cost. This is compared to a cost of \$1.5 million for a statewide program.

**Domestic Violence Dockets:** Finally, I would like to turn to section 12 of the bill, which would require the Judicial Branch to establish in each Geographical Area court location a separate family violence docket. We are opposed to this requirement. The Judicial Branch has consistently opposed legislation that would require the creation of special courts or dockets because, although those courts or dockets may benefit the

cases they handle, they take away from the resources available to handle all our other cases. The Chief Court Administrator needs to have maximum flexibility in order to ensure that all cases are handled as expeditiously as possible.

In addition, domestic violence dockets have not been proven to be more effective at reducing recidivism and increasing compliance with court orders. The Judicial Branch recently compared the rate at which defendants in family violence cases were rearrested within a 12 month period after completing a period of pretrial supervision. The results do not show a correlation between courts with a domestic violence docket and a low recidivism rate. One of the courts with a domestic violence docket - Bridgeport - has the lowest recidivism rate (7%), while two other courts with a domestic violence docket - New Britain and Waterbury - have the highest recidivism rate (20%).

The Judicial Branch recognizes the unique nature of domestic violence cases, and we are committed to doing all we can to prevent further acts of violence. We simply do not believe that a mandate for domestic violence dockets, which are resource-intensive and would in fact require significant additional resource, is the way to go. We believe that the best course is to use the evidence-based interventions and programs that have been proven to work, such as the Family Violence Education, EXPLORE and EVOLVE programs. For all these reasons, we would urge the Committee to delete section 12 from this bill.

In conclusion, I would once again like to thank Speaker Donovan's Domestic Violence Task Force for raising this bill. The changes that it would make have the potential to significantly improve our state's response to domestic violence. Thank you for your consideration.

## STATEWIDE IMPLEMENTATION

Option 1	Violation of Protective Order and Risk Level	Number of Offenders	Cost for Equipment and Monitoring	Cell Cost	Annual Potential Cost
ALERT NOTIFICATION	VPO and Risk Assessment Score 17 and above	169	\$22.00 per day	\$2.00 per day	\$1,480,440
	VPO and Risk Assessment Score 15 and above	273	\$22.00 per day	\$2.00 per day	\$2,391,480
	VPO and Risk Assessment Score 13 and above	386	\$22.00 per day	\$2.00 per day	\$3,381,360

Note: 1. Number of offenders based on current active caseload

2. \$22/day equipment and monitoring cost includes offender and victim

3. \$2/day cell cost includes both offender and victim

### Phased Implementation

Option 2	Violation of Protective Order and Risk Level	Number of Clients-Hartford	Number of Clients-Bridgeport	Number of Clients-Danielson	Cost for Equipment and Monitoring	Cell Cost	Annual Potential Cost
ALERT NOTIFICATION	VOP and Risk Assessment Score 17 and above	5	1	10	\$22.00 per day	\$2.00 per day	\$140,160
	VOP and Risk Assessment Score 15 and above	14	4	17	\$22.00 per day	\$2.00 per day	\$306,600
	VOP and Risk Assessment Score 13 and above	22	5	25	\$22.00 per day	\$2.00 per day	\$455,520

- Note: 1. Pilot sites selected Bridgeport, Danielson, and Hartford  
 2. Number of offenders based on current active caseload  
 3. \$22/day equipment and monitoring cost includes offender and victim  
 4. \$2/day cell cost includes both offender and victim

## STATEWIDE IMPLEMENTATION

Option 3	Violation Of Protective Order and Risk Level	Number of Offenders	Cost for Equipment and Monitoring	Cell Cost	Family Relations Counselor-Trainee Annual Salary	Annual Potential Cost
ALERT NOTIFICATION WITH ACTIVE CSSD STAFF SUPERVISION AND CASE MANAGEMENT	VPO and Risk Assessment Score 17 and above	169	\$22.00 per day	\$2.00 per day	\$56,155 x (5 Family Relations Counselors)	\$1,761,215
	VPO and Risk Assessment Score 15 and above	273	\$22.00 per day	\$2.00 per day	\$56,155 x (8 Family Relations Counselors)	\$2,840,720
	VPO and Risk Assessment Score 13 and above	386	\$22.00 per day	\$2.00 per day	\$56,155 x (11 Family Relations Counselors)	\$3,999,065

- Note: 1. Number of offenders based on current active caseload
2. \$22/day equipment and monitoring cost includes offender and victim
3. \$2/day cell cost includes both offender and victim
4. Number of positions based on case load of 35

**DV Defendants with a Pending Violation of Protective Order or Violation of Restraining Order Charges  
2/23/2010**

<u>GA</u>	<u>DVSI 17 and above</u>	<u>DVSI 15 and above</u>	<u>DVSI 13 and above</u>
WATERBURY	60	93	123
NEW BRITAIN	31	48	62
DANIELSON	10	17	25
NEW LONDON	10	14	26
ROCKVILLE	8	14	15
BANTAM	7	9	12
HARTFORD	5	14	22
MERIDEN	5	5	8
MIDDLETOWN	5	6	8
NEW HAVEN	5	8	11
BRISTOL	4	9	18
ENFIELD	4	7	10
MANCHESTER	4	5	9
NORWALK	4	6	12
NORWICH	4	6	7
DERBY	2	4	4
MILFORD	2	5	8
BRIDGEPORT	1	4	5
DANBURY	0	1	3
STAMFORD	0	0	1
<b>Total</b>	<b>171*</b>	<b>275*</b>	<b>389*</b>

\*Some defendants have cases pending in more than one court. This accounts for the difference from the state totals presented below.

DVSI: Domestic Violence Screening Instrument

**Summary**

On a given day:

- An estimated 169 defendants with a DVSI score 17 or above would require GPS monitoring
- An estimated 273 defendants with a DVSI score 15 or above would require GPS monitoring
- An estimated 386 defendants with a DVSI score 13 or above would require GPS monitoring
- Waterbury has nearly twice as many potential GPS-monitored defendants than the next closest GA

PAGE 1  
LINE 2

**State of Connecticut**  
OFFICE OF THE SPEAKER  
LEGISLATIVE OFFICE BUILDING, ROOM 4100  
HARTFORD, CONNECTICUT 06106-1591

**Testimony of Speaker of the House Christopher G. Donovan  
To the Judiciary and Human Services Committees in support of:  
HB 5497, AAC the Recommendations of the Speaker of the House of Representatives' Task Force on  
Domestic Violence and  
HB 5246, AAC Distribution of the Marriage License Surcharge and Changes to the Landlord and Tenant  
Statutes to Benefit Victims of Domestic Violence  
March 15, 2010**

Good morning Representative Lawlor, Senator McDonald, Representative Walker, Senator Doyle, and members of the Judiciary and Human Services Committees.

I appreciate the opportunity to express my strong support for HB 5497, AAC the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence and HB 5246, AAC Distribution of the Marriage License Surcharge and Changes to the Landlord and Tenant Statutes to Benefit Victims of Domestic Violence. These two bills, along with HB 5315, AAC Education and the Reduction of Domestic Violence, comprise a three bill package drafted from the recommendations of the bipartisan, bicameral Task Force on Domestic Violence. These proposals have been shaped by the input of dozens of advocates, survivors, law enforcement officers, support service providers and state agency staff working on the front lines of these issues.

On average Connecticut sees 20-25 murders related to domestic violence each year—I think we can all agree that's 20-25 deaths that should never occur. Recently, it has seemed that a new incident of domestic violence has surfaced nearly every day. In fact, since the beginning of 2010, there have been eight alleged homicides linked to domestic violence. That's eight tragic deaths in just ten weeks, and there are many more victims whose struggles with family violence go unreported. As a state, we can do more to prevent these tragedies.

The recent spate of incidents has brought weaknesses in the system into focus. The legislation proposed by the task force will lead to meaningful changes aimed at preventing and addressing family and teen dating violence and empowering educators, service providers, law enforcement, state agencies, and survivors with new tools. Some of these solutions are new and some are recommendations you have heard before, but I cannot think of a better time to implement changes that will move our state forward in addressing these crimes.

HB 5497 (Judiciary Committee)

HB 5497 improves interagency sharing of information, strengthens the enforcement of protective orders, and gives victims employment protection so they can use their leave time to deal with domestic-violence related issues.

In addition to removing barriers to communication among the variety of agencies involved in family violence cases, this bill facilitates the recognition of Connecticut's protective orders by law enforcement in other states under the nationwide Project Passport initiative. The bill also ensures that judges have access to the protective

order registry and information on offenses committed within the last ten years and in other states, over and above the current 5-year in-state look back period for persistent offenders.

The legislation also strengthens the enforcement of protective orders by permitting judges to order GPS monitoring of domestic violence offenders who carry a high risk of violation. In addition to allowing law enforcement to monitor the offenders, these devices are designed to notify victims in live time that an order has been broken, so that they can take action to protect themselves. Acknowledging that victims are often overwhelmed with the tasks required to ensure their safety and wellbeing, the legislation also permits victims to use their paid and unpaid leave time to make court appearances, relocate to secure housing, and obtain medical and counseling services, without fear of losing their jobs.

Finally, this legislation encourages the Judicial Branch to develop additional domestic violence dockets within available appropriations. Domestic violence dockets use a multidisciplinary team approach to share information and provide appropriate recommendations on effective penalties. Dedicated domestic violence dockets are already fully operational in seven criminal court locations (Bridgeport, New Britain, New Haven, New London, Norwalk, Stamford, and Waterbury) and under development in Derby and Hartford.

#### HB 5246 (Human Services Committee)

The economic downturn has resulted in increased demand for domestic violence programming. Connecticut is served by 18 regional programs that provide community education, victim advocacy, support services, and temporary emergency shelter. These programs receive their funding from public and private grants, including a portion of the \$20 surcharge assessed on marriage licenses. These fees are distributed to programs by the Department of Social Services. In fiscal year 2009, the domestic violence account at DSS exceeded \$1 million, but the funds were not distributed. HB 5246 requires DSS to transfer these funds to programs on an annual basis. This bill also provides resources for 24/7 staffing at domestic violence shelters to meet the needs of our communities. Several shelters have already secured stimulus funds to temporarily provide these services in light of caseload increases. Finally, the bill assists victims in maintaining safe housing by permitting them to defer a rent payment or incur a lower penalty if they need to relocate to ensure their security. I would also encourage the Human Services Committee to consider adding a provision to the bill concerning the use of public service announcements to raise awareness of teen dating and domestic violence.

I would like to take this opportunity to express my appreciation to Rep. Mae Flexer, Chair of the task force and all of the members who have been working tirelessly on these important changes. I would also like to thank the chairs of the Judiciary and Human Services Committee for raising these bills. I urge your continued support for these critical proposals.