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THE CLERK:

On page 42, calendar 256 substitute for House Bill number 5450, AN ACT ESTABLISHING A BASIC HEALTH PROGRAM. Favorable report by the committee on appropriations.

DEPUTY SPEAKER ORANGE:

Representative Riley.

REP. RILEY (46th):

Madam Speaker, I move that this matter be referred to the public health committee. Thank you.

DEPUTY SPEAKER ORANGE:

Is there objection? Is there objection? Without objection so ordered. Will the Chamber please stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER ORANGE:

Will the House please come back to order. Will the House please come back to order and will the Clerk please call calendar number 332.

THE CLERK:

On page 44, calendar 332 substitute for House Bill number 5548, AN ACT CONCERNING DOMESTIC VIOLENCE.

Favorable report by the committee on government, administration and elections.

DEPUTY SPEAKER ORANGE:

Representative Mae Flexer.

REP. FLEXER (44th):

Good afternoon, Miss-- Madam Speaker.

DEPUTY SPEAKER ORANGE:

Good afternoon.

REP. FLEXER (44th):

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

DEPUTY SPEAKER ORANGE:

The question is acceptance of the joint committee's favorable report and passage of the bill. Will you remark?

REP. FLEXER (44th):

Yes. Thank you, Madam Speaker. Madam Speaker, the bill before us this afternoon is a result of many-- the work of many. It comes to us from the speaker's taskforce on domestic violence and many of the provisions of the bill are also the result of the work of the law enforcement response to family violence taskforce that was set up last year during legislation we passed concerning domestic violence. That group

met throughout the fall and the winter and came up with many recommendations. The speaker's taskforce met and looked at those recommendations, adopted those and added some additional provisions and those provisions went on to the judiciary committee and the human services committee.

The bill before us today came out of the judiciary committee and does a number of things to address the serious issue of domestic violence in our State. It gives police officers new tools for responding to incidents of domestic violence and implements a statewide model policy for responding to domestic violence. It gives victims more options for reporting violations of restraining and protective orders and makes it easier for victims to obtain a restraining order and extends the period of time that a judge can put a restraining order in place from six months to one year.

The bill also creates a felony crime of threatening in the first degree to include threats the use or the attempted use of a firearm. It also requires that schools and institutions of higher education be notified when a restraining order or protective order is in place. It revises

Connecticut's stalking statute to give prosecutors new tools for protecting victims of stalking.

It implements a stronger definition of trauma informed care to help address the needs of those who are victims of domestic violence and it commissions a feasibility study of 911 texting to enable victims to potentially contact emergency responders via text message when they are in a serious situation. I urge passage of the bill. Madam Speaker.

DEPUTY SPEAKER ORANGE:

Yes, Ma'am.

REP. FLEXER (44th):

The Clerk has an amendment-- an amendment, LCO 4270. I ask that the amendment be called and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO number 4270 which will be designated as House Amendment Schedule A.

THE CLERK:

LCO 4270, House A offered by Representative Donovan, Representative Hetherington et al.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the Chamber to summarize. Is there objection? Is there objection? Seeing none, Representative Mae Flexer.

REP. FLEXER (44th):

Thank you, Madam Speaker. Madam Speaker, the amendment before us makes a number of changes to the underlying bill.

It is a strike all amendment. The substantive changes between the amendment and the bill before us are as follows; in section one it clarifies the definition of a pattern of threatening to include the penal code reference to threatening for the purposes of applying for a restraining order.

It also requires that restraining orders be shared both with the presidents of institutions of higher education and with any campus police departments that may be at the institution of higher education. It requires that protective orders also be shared in the same manner. It allows a judge in a criminal case with notice that the parties have a pending family relations matter such as a divorce, a legal separation, a marriage annulment, alimony or child support or paternity to have that information when dealing with a criminal case or a family case.

It makes a clarifying change in section eight to insure that a person who is listed as a protective person on a restraining or a protective order may report an alleged electronic or telephonic violation of an order to the police in the town where they live, the town where the communication was received, or where the communication was initiated. It makes changes to the stalking statute.

It clarifies Connecticut's harassment statute changing the definition from a telephone call to communication in an effort to include both text messages and email and other types of electronic communication. I urge adoption.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption. Will you care to remark further on Senate Amendment A? Will you-- House Amendment A. Will you care to remark further on House A? Representative Sawyer on House A.

REP. SAWYER (55th):

Thank you, Madam Speaker. A question through you to the proponent of the amendment.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. SAWYER (55th):

In looking at the amendment carefully on line 80 it-- it refers actually a bit earlier that upon request of the victim that sent by facsimile or some other means a copy of such order shall go to the-- in this case let's use the instance of someone's who's attending college. And it says the institution of higher education to be sent to the president or-- and the special police pursuant to section 10A-142.

In your expectation here is it believed that this is confidential or does the president of the institution have the right or the ability to share it with someone he deems should know this information, say the dean of students, the director of housing, perhaps he may want to know this information that there is an order, perhaps if it's in a fraternity situation the president of the fraternities, someone he feels-- or is there an expectation of confidentiality? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Flexer.

REP. FLEXER (44th):

Through you, Madam Speaker. Such an order would be a public document and so there wouldn't be an expectation of confidentiality. The scenarios that

the good Representative has described are exactly the reason why we are requiring such notification so that that institution of higher education can have those conversations with the folks that you were describing in order to work with the victim to ensure her safety on campus.

DEPUTY SPEAKER ORANGE:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Madam Speaker. Through you. In this particular document and in the underlying law does the victim have any responsibility to notify these people? is there any requisite on the victim or is it then expected that it would-- it would come through this other method from the court? Thank you, Madam.

DEPUTY SPEAKER ORANGE:

Representative Flexer.

REP. FLEXER (44th):

Through you, Madam Speaker. This information would only be shared upon the request of the victim.

DEPUTY SPEAKER ORANGE:

Representative Sawyer.

REP. SAWYER (55th):

Is it anticipated, through you, Madam Speaker, that the victim would have to sign something? Could it be done verbally? Is there a-- if you could just describe the victim's involvement in this? Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Flexer.

REP. FLEXER (44th):

It's anticipated that-- through you, Madam Speaker. It's anticipated that there would be some changes perhaps of the judicial department when it comes to processing these orders and so it would become a part of the process of getting a restraining or protective order that the judicial branch staff would ask a victim if they wished for that information to be shared.

DEPUTY SPEAKER ORANGE:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Madam Speaker. And through you. Just to establish legislative intent, if a victim in her trauma and stress initially says no, perhaps she's got a hesitation. There's a fear. She's holding things

very tightly. And she changes her mind say a week or two later.

There's something else that has caused her distress and she does want to have-- say in this case she's a college student and she does want the institution to know. May she make-- may she change her mind after the initial request or initial consideration? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Flexer.

REP. FLEXER (44th):

Through you, Madam Speaker. Yes. She certainly could make that request.

DEPUTY SPEAKER ORANGE:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Madam. And I appreciate all the work that Representative Flexer has done on this particular issue because it is something that is long time in coming and the refinements that have come about through the speaker's taskforce I believe has been a very positive turn of events. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Madam. Will you care to remark on Senate-- excuse me. Why do I say that? I guess we moved upstairs. Nobody's home up there. House Amendment A. Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you very much, Madam Speaker. I just wanted to say that I'm rising in support of this and I just wanted to say very briefly to acknowledge the work that the student's at the Center for Youth Leadership at Brien McMahon in Norwalk did. And they're-- on this particular provision about transmitting the protective orders to schools and colleges and so on and how much they appreciated the cooperation of the domestic violence taskforce and the judiciary committee. Thank you so much.

DEPUTY SPEAKER ORANGE:

Thank you, Madam. Will you care to remark further on House Amendment A? Representative Fritz of the 90th, you have the floor.

REP. FRITZ (90th):

Thank you, Madam Speaker. I rise in support of this bill and I also want to thank Mae Flexer and the group that met earlier today. For over a month we've been trying to come to some way to make sure that

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threatening in the bill was more clearly defined because unfortunately I had a-- have a constituent who's been turned down three times-- four times now in the court for getting a restraining order. She didn't show up black and blue. She didn't show up with stitches. She didn't show up with a hatchet in her head but she was still abused.

And it was violence in the home and there were four children and she was threatened over and over again. So what we did today in linking up two different sections of the statute. I think if and when she has to go back to court again, I think the judge will have a clear message of what threatening is all about. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Madam. Will you care to remark further on House Amendment A? Will you care to remark further on House Amendment A? If not, let me try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All opposed nay. The ayes have it. The amendment is adopted. Will you care to remark further on the bill as amended? Representative Flexer.

REP. FLEXER (44th):

Thank you, Madam Speaker. Madam Speaker, I just wanted to take a moment to thank so many of the folks who have made this bill possible. All the members of the speaker's taskforce on domestic violence which has been a bipartisan, bicameral group over the last three years and a special thank you to the members of the law enforcement response to family violence taskforce.

We met over the course of the fall and the winter several times a week for several weeks to put together these recommendations and it was a broad variety of stakeholders that were a part of that group who put tremendous numbers of hours into the bill that is now before us. And I just want to sincerely thank them and thank the staff that have worked with us over the last several months on this bill.

The victim's, the advocates, the prosecutors, the chief public defender's, the judges, such a wide variety of folks who have helped make this bill come together. And finally I'd like to take a moment to thank Speaker of the House Christopher Donovan for his

tremendous leadership on the issue of domestic violence over the last three years.

Because of Speaker Donovan's leadership we have been able to pass some of the most sweeping and important reforms concerning our State's domestic violence laws. With his leadership we are here today to move forward on this critical bill. And I'm so grateful to him and proud to have had the opportunity to work with him on this critical issue over the last three years. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Madam. Will you care to remark further on the bill as amended? Representative Kupchick. You have the floor, Madam.

REP. KUPCHICK (132nd):

Thank you, Madam Speaker. I rise too in strong support of this bill. I'd like to thank Representative Flexer for her hard work and obviously in outlining the different areas that we needed in a domestic violence bill. I've worked hand in hand with the Center of Women and Families in Fairfield who does tremendous work helping many people who have dealt with the unfortunate circumstance of domestic violence.

And as some members mentioned earlier in the Chamber it's not always the physical violence that we see. There's other violence that is occurring against mostly women that is not physical. So I am-- I am very supportive and I'm very excited to see this-- see this bill come up. And I would like again thank Representative Flexer for her hard work. Thank you, Mrs. Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Madam. Will you care to remark further? Will you care to remark further? Representative Kokoruda. Good evening.

REP. KOKORUDA (101st):

Good afternoon, Madam Chairman-- Madam Speaker. Actually it's Kokoruda. It's a hard one. I know. Madam Speaker, I would just like to commend Representative Flexer and the taskforce.

You know I had meetings in my district and we hear about these-- these stories and every town and city is dealing with them. And one of the things that really struck me is how the children deal with it. And I just want to commend you for bringing a very serious subject forward and I look forward to supporting the bill. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, Madam. Will you care to remark further on the bill as amended? Will you care to remark further on the bill as amended? Will you care to remark? If not, staff and guests please come to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is taking a roll call vote. Members to the Chamber please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board. Please check the roll call board and make sure your vote's been properly cast. If all members have voted the machine will be locked. And the Clerk will please take a tally. Clerk please announce the tally.

THE CLERK:

House Bill 5548 as amended by House A.

Total Number voting	147
Necessary for adoption	74
Those voting Yea	147
Those voting Nay	0

Those absent and not voting 4

SPEAKER DONOVAN:

The bill as amended has passed. The House will come back to order. Will the Clerk please call calendar number 243.

THE CLERK:

On page 42, calendar 243 substitute for House Bill number 5024, AN ACT CONCERNING VOTING RIGHTS. Favorable report by the committee on appropriations.

SPEAKER DONOVAN:

House Chair (inaudible) Representative Russell Morin, you have the floor, Sir.

REP. MORIN (28th):

Good evening, Mr. Speaker.

SPEAKER DONOVAN:

Good evening, Sir.

REP. MORIN (28th):

What this bill which is often known as election day registration it will offer voters an opportunity--well I'll backtrack. I'll say I move for acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

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public information, so some of the bills today may involve sensitive topics. Just keep that in mind when you testify. And we do welcome your testimony and look forward to hearing from all of you.

The first hour will be reserved for public officials. It will then be followed by the members of the public. If the first hour, if after the first hour we have not completed from the list of the public officials, we will then alternative back and forth between that list and members of the public.

So with that, I will begin with our first public official, the Speaker of the House, Chris Donovan. And, welcome, Representative Donovan.

REP. DONOVAN: Thank you, Representative Fox, Chairman Coleman. Good to see the Judiciary Committee. It's always a pleasure to be here, and I want to thank you for all the work you do in pushing issues of importance to our state. Thank you very much.

HB 5548

I'm here to speak on an issue that we've worked together for the past three years, and that's dealing with domestic violence and putting together provisions to help our state be better prepared so we can thwart domestic violence in our communities. It's been a bipartisan effort over the years, and I'm very proud of that.

And I want to thank the Committee and the Members for their work and especially Representative Fox and Senator Coleman in their leadership on this Committee and also for working on the bill and also the Chair of the Domestic Violence Task Force, Representative Mae Flexer, who you all know

very well, and she's worked well with you on this issue as well.

You know, every year we did it, we thought, you know, I think we got it right, and we're going to make advances, and then we find out more of what we can do. And I think we need to continue this as we move on in the years ahead to constantly look at the laws and regulations we have, practices we have in our state that we can change, make better, and help prevent domestic violence in our state and stop this tragedy, this violence in our community.

So the bill before you has a lot of good ideas, and we hope you support them. I know you will. And we'll move forward on responding to domestic violence. So I'll just give you a quick thumbnail on it.

One thing is dealing with law enforcement to make sure there's a uniform model policy for law enforcement across the state, you know, giving the police new tools for responding to domestic violence, training the police in best practices so they can deal appropriately and with due speed.

And, you know, we ask a lot from our police, and I'm sure that's one of the tougher assignments when you get a call for domestic violence. You don't know what you're walking into, and I think it's very good to have the police prepared and have a uniform standard so that everyone knows this is the best policy, this is what, how we should react and what we've learned from people throughout the years, so that's a great idea.

Also, we found out that some people harass via email and texting while there is a restraining

order in place, so we want to make sure that that is addressed as well. So if someone is doing complete, constant emailing and texting threats, that that's a threat of a restraining order or a protective order.

Also, we want to increase the penalty for threatening with a firearm. Someone just told me the other day of a woman whose husband threatened her with a firearm. That's pretty serious, and we should make sure that we increase the penalty for that as well. We also want to make it easier for victims to obtain restraining orders and extending the maximum length of orders.

There's a maximum length, and you have to go in and extend that. I think it makes sense as well. Also, on schools, we want to make sure that schools and campus police know on their campus who is protected by restraining order.

And also another interesting thing, which we need to study more, because we're trying to figure out the technology of it, but now that texting is available, and people know how to text on their phone, in terms of safety, oftentimes a victim may not be able to speak, but they could text. And we're asking that there be a feasibility study on the idea of texting 911 so that people will have 911.

They can text and get that information out there in a way that the police can readily respond even though the person doesn't have to make a phone call. Right now, I think the technology, we're trying to figure that out, but I think it's important that we look at and come up with ways to deal with that.

So there are other things dealing with stalking and threatening, warning signs of

domestic violence, but, again, it's our responsibility to be vigilant, to help victims, to promote prevention and teach our kids that domestic violence is socially unacceptable.

And I want to thank, again, this Committee and the Task Force for all the work they've done. We've really made a big difference in our state, and we've done it in a bipartisan manner, which I think is, speaks well for our state, so thank you very much.

REP. FOX: Thank you, Mr. Speaker, and, once again, thank you for your, for taking on this initiative several years ago. It followed a number of really terrible tragedies that took place in the issue of domestic violence. And over the past several years being able to, as you said, to continue to put forward domestic violence bills to strengthen and enhance awareness has been very helpful.

The Task Force that you, well, first, there was the Domestic Violence Task Force, but then there was also the, over the course of the interim period between sessions, there was the task force that we established last year that really worked very hard. I mean, they were meeting two, three days a week during the off session to come up with many of the proposals that are in this bill.

And I know, I should thank the Judiciary Committee staff, because they did a tremendous amount of work, as well as your office. I know Cara Passaro and others in your office were very supportive and very helpful in making sure that these recommendations came forward.

So we look forward to the testimony today. I think there's a number of people prepared to testify on this. I see there are some young people from Stamford High School or my home town, which is great that they're involved in a lot of these issues as well. So thank you, and are there any questions from Members of the Committee? Chairman Coleman.

SENATOR COLEMAN: Good morning, Mr. Speaker.

REP. DONOVAN: Good morning, Mr. Chairman.

SENATOR COLEMAN: When you began your testimony, and you mentioned that you were about to speak on a topic that we have previously worked on in the past, I thought it was going to be that bill that you and I cosponsored together during our first year.

REP. DONOVAN: Someday, someday, Senator.

SENATOR COLEMAN: I won't mention the topic, but my real purpose is just to thank you for your testimony, and it's always good to see you addressing the Judiciary Committee.

REP. DONOVAN: Always good to see you. Thank you very much, Senator.

REP. FOX: Okay. Does anyone else have any questions or comments? Okay. Thank you.

REP. DONOVAN: Thank you very much. Thank you, everyone.

REP. FOX: Thank you for your testimony. Okay. Next on the list from public officials is Representative Gail Lavielle.

HB5548

REP. LAVIELLE: Good morning, Senator Coleman, Representative Fox, and Members of the

Judiciary Committee. I am accompanied today by representatives of the Center for Youth Leadership at Brien McMahon High School in Norwalk, part of a city that I represent, and also a representative of Stamford High School, the Mayor's Youth Leadership Council.

And they are here to talk with you today about the domestic violence bill.. Last year, as you know, as a result of some of the good work done on existing legislation, dating violence was included in family violence.

And this made it really all more, all the more likely that folks who are actually in school and in universities and so on might be affected by or have had issued restraining orders, protective orders that also involve other people at that same institution.

And this has made, this is a concern that's particularly pervasive in their world, and they've had some concerns about strengthening the legislation that's up for consideration this year, and that's what they're here to talk with you about. So I will leave that to them. Thank you.

SAM LYMAN: Thank you, Representative Lavielle. Hi, Senator Coleman, Representative Fox, and Members of the Committee. We have special greetings for Representative Morris and Representative Tong, who are from our districts in Norwalk and Stamford, and Representative Flexer and Senator Gerratana, with whom we have worked on dating violence and child abuse legislation.

My name is Sam Lyman, and I am a member of the Mayor's Youth Leadership Council at Stamford High School. I am joined by Mallory Ham, who is a member of the Center of Youth Leadership

at Brien McMahon High School in Norwalk. On behalf of our 300 members, we are here in support of the House Bill 5548, AN ACT CONCERNING DOMESTIC VIOLENCE, SPECIFICALLY, SECTION 4, SECTION 54-1K.

Dating violence is not a one-shot issue with us. We have been working on it since 2006. We lead several public awareness activities a month in our schools and hometowns. We volunteer with children twice a week at two domestic violence safe houses in Fairfield County.

We worked closely with lawmakers on this and other committees to pass legislation that eventually became Public Act 091. And in addition to our ongoing public awareness activities, we are currently working with the Boards of Education in Stamford and Norwalk on protocols that school administrators can use when responding to teen dating violence incidents on campus.

But it was the work we did last year on legislation that became Public Act 152 that promoted us to ask the Speaker's Task Force on Domestic Violence to recommend that high schools receive a copy of the restraining orders and protective orders that high school aged victims of dating violence secure against their abusive dating partners.

As you know, we are not talking about a minor issue. Dating violence is consistently listed by high school students as a leading cause of emotional distress and a contributing factor to school failure.

In Connecticut, ten percent of teens surveyed were in a physically violent dating relationship last year. Seventeen percent

were in an emotionally abusive dating relationship. And of those teens in Connecticut in violent dating relationships last year, 30 percent considered suicide, 25 percent made a suicide plan, and 20 percent attempted suicide.

Nationally, 43 percent of student victims reported that at least one teen dating violence incident occurred on school grounds or during school hours. Yes, there are challenges with House Bill 5548, especially where high schools are concerned. But we believe it is important for people our age to have access to as many resources as possible, including restraining and protective orders, to ensure our academic and emotional success.

We thought one of the biggest challenges would be the federal law known as FERPA, the Family Educational Rights and Privacy Act, which determines, in part, who has access to what information about high school students.

However, in meetings with school officials responsible for compliance with FERPA, we were assured that the sharing of a protective order or restraining order with the high school staff would not violate federal law, as long as the order is shared only with those school officials permitted by the law.

Other issues may arise in terms of no-contact contracts between the victim and the abusive dating partner and accommodations in terms of class schedules if both attend the same school. But we believe they can be addressed in the protocols we are working on with the boards of education in our towns, protocols that can be adopted by other school districts.

MALLORY HAM: We have the following recommendations about Section 4 --

REP. FOX: If you could just also, I'm sorry, if you could just, could you shift it? If you could just state your name as well, that would be great.

MALLORY HAM: Oh, I'm Mallory Ham.

REP. FOX: Okay. Thank you.

MALLORY HAM: We have the following recommendations about Section 4, Section 54-1K of House Bill 5548. One, the section seems to address protective orders only. We suggest you insert language so that the section covers protective orders and restraining orders.

Two, the course of action outlined in the section, including the mailing of a protective order or restraining order to a high school, seems to be triggered by the violation of an existing order. The course of action in this section should be triggered upon the date of the initial protective order or restraining order and a violation of an existing protective order or restraining order.

Three, given the restrictions of FERPA, we suggest the protective order or restraining order not be sent to a high school by fax. You never know who will see it, especially if it is not a secure line, which is likely in most high schools. Per the recommendation of school officials we met with, the order should be mailed to the high school principal or the vice principal in charge of the victim's grade. To avoid any confusion, we suggest it be mailed to the school principal.

Four, we recommend you insert language that requires the mailing of the protective order or restraining order to a high school principal not later than 48 hours after the issuance of the order.

Five, please see the line that reads, the clerk of the court shall, upon the request of the victim, send a copy of the order. As you know, the victim of dating violence may be a minor, so we suggest the line be read, the clerk of the court shall, upon the request of the victim and/or the victim's parent or guardian, send a copy of the order.

And number six, we suggest you insert language that requires the judge and/or court clerk to, A, inform the victim and, when necessary, the victim's parents or guardians that the victim may request a copy of the restraining order or protective order to be sent to the victim's school and, B, refer the victim to a domestic violence agency to learn about safety planning at school.

A larger issue not addressed by House Bill 5548 and one which we will work on with the Speaker's Task Force on Domestic Violence and the Connecticut Coalition Against Domestic Violence is the absence of a mandate that requires school districts to have a dating violence policy and a protocol that guides school administrators' training in dating violence and their response to incidents on campus.

All of this is necessary, because schools cannot ignore the problem of dating violence. It happens on campus. It may compromise a school's mandate to provide students with a safe learning environment. It affects a victim's ability to concentrate on schoolwork.

And more often than not, victims will come across their abusers in class, the cafeteria, and in the hallways.

On behalf of our 300 members, we ask that you support the recommendations we outlined in support of House Bill 5548. And thank you for the opportunity to talk to you.

REP. FOX: Thank you. Are there any questions or comments? Senator Kissel.

SENATOR KISSEL: Thank you very much, Chairman Fox. Well, I want to thank you all. Representative Lavielle, again, twice in one week, we're honored. You guys did a fantastic job. I had the honor in the off season to serve with Representative Flexer, who was Co-Chair with Executive Director Karen Jarmoc of CCADV, on a task force regarding police response to domestic violence, but it's broader than that.

But, you know, as much as an awful lot of really good hardworking people poured a lot of hours into the report, you guys came up with some great suggestions. And I'm looking forward in going over all of your recommendations and from the insights that you provided to us, and you can take something that's a very good product and make it even better.

So it's not easy sitting on that side, and you guys did a fabulous job, and I commend you for all your hard work. And, Representative, we hope to see you further in the future. Thank you, Mr. Chair.

MALLORY HAM: Thank you.

SAM LYMAN: Thank you.

REP. FOX: Representative Adinolfi, did you have a question?

REP. ADINOLFI: Yes, thank you. Your recommendations were excellent, and I think we should all take them under consideration. But I have one question. What I found outside of domestic violence in the home, I'm talking about the schools now, the tendency within the schools is not to take action.

An example, if you give a restraining order to say for somebody else in that school that's bothering you, the tendency that I found in the past, some authority in the school will call that individual down and talk to them, and then that ends it. I, I'm, what I'm thinking is, how do you enforce it? And --

MALLORY HAM: Well, the main, our main argument is to basically make sure, secure the protection of the student. And by having that restraining or protective order in the school, we don't plan on just giving it to the principal.

The principal would then hand it off to any guidance counselor, house master, or teacher that needs to be aware of the order as well to make sure that there's no altercations between the victim and the aggressor and make sure that they stay separated in the school.

REP. ADINOLFI: I agree with the end result, but, I mean, I'm all for it, but I'm saying, how do you get the principals and the counselors and those people, how do we hold them accountable for doing what they're supposed to do? You might not have an answer, and you might have to think about it.

MALLORY HAM: We'll definitely look into that.

REP. ADINOLFI: But I think that's something we have to keep. In other words, if they violate the input of the restraining orders within the school, can we go after those that are not implementing the restraining order within the school or doing what they're supposed to do, because that's the tendency that I find within the school.

They don't want their school to get a bad name if anything gets public or something. So they try and work it within their own system, and many times, the assaults and also verbal abuse, which sometimes is worse than physical abuse, is bad.

And I just, my problem I've seen in the schools that they don't have a tendency to enforce these things that we ask them to do, because they want to keep their reputation sound. That's all, and I think that's something we have to look at also, in other words, give them a penalty for not doing what they're supposed to do. Thank you.

REP. FOX: And I think what this does, Representative, because having reviewed the bill, is it would enable students to have a way outside of the school's internal policy that they now would have the force and effect of law, which is what I believe you're looking for and have been looking for.

And if, and I think you're right in that certain, some people don't want to see their, any negative experiences reflected to the outside world when dealing with their institution. And what this would do is require them, if they didn't, you know, comply with the law, they would then be in violation of the law.

So we would, which is why I think in my discussions with the students both at Stamford High and Brien McMahon as part of, that's been something that's been very important to them to be able to have this way of doing things.

REP. ADINOLFI: With the, I agree.

REP. FOX: Yes.

REP. ADINOLFI: I mean, it sounds, I think the right question is (inaudible). The only question, is there a penalty for violation of the law?

REP. FOX: I mean, I believe they can be found in contempt of an order, but we can look into trying to look into what exactly the penalty would be and how we would handle that.

REP. ADINOLFI: That's what I'm trying.

REP. FOX: Yeah.

REP. ADINOLFI: We have a lot of laws, and then if people break those laws, so what? And I'm (inaudible) that we do. There should be some sort of penalty going along with it, whatever it is.

REP. FOX: Okay. Well, if you want to give it some thought and let us know what's appropriate, we can try to work into it. We'll think about it.

REP. LAVIELLE: If I may, Representative Fox, just to say something to Representative Adinolfi, I would ask whether there is any difference between the procedure to follow if a restraining or a protective order is violated in a school setting and when it's violated in

any other setting. There must be similar recourse.

And I'm sure that it's up to the person who is protected by that order to mention it, to make reference to it so that whatever that penalty is would be invoked. But I would just want to know whether there's any difference between that setting and any other. And as a non-lawyer, I shouldn't think so, but I wouldn't want to say for sure.

REP. FOX: Yeah. Okay. Well, are there other questions or comments? Representative Flexer.

REP. FLEXER: Thank you, Mr. Chairman. Good morning. I just wanted to, first of all, say thank you for coming here to testify today. It's been a real pleasure to work with your group over the last three years, these issues, and thank you so much for your suggestions. I promise you we will look at them seriously as we work on the legislation going forward.

I do just have one question for you regarding number five, your fifth suggestion. The language that says, on upon request of the victim, and your suggestion that we also add parent or guardian, that's something that we did think about.

But, you know, we wanted to make it quite clear that this information would only be shared if the victim wanted it shared and that we're empowering the victim to handle the situation the way that she, often she, sees fit. And so with regard to a minor, it does get a little bit trickier. So what do you think might happen if the minor victim did not want that information shared, but the parent or guardian did?

MALLORY HAM: Well, we've, after doing a little bit of research, we've come to realize that having a restraining order is a very shameful thing, so the victim will sometimes not want to share that order.

But if it's such a severe case that it needs to be shared and, to ensure their protection, that's why we wanted to add the parent or guardians in on it, because if they feel that it's really necessary that they need to share this with the principal and other people in the school, we needed, we wanted to make sure that option was available, because most, many people who have restraining orders will not want to share it, because they are ashamed. And so to ensure protection, we wanted to add the parent and guardian.

REP. FLEXER: Okay. Well, thank you very much, and I really appreciate you being here today. And it's been, like I said, really great working with you over the last couple of years, and I look forward to working with you on this bill in the next couple of weeks.

MALLORY HAM: Thank you.

REP. FOX: Thank you. And, once again, I'd like to thank you for your testimony. I don't see any other questions from Members of the Committee.

REP. LAVIELLE: Mr. Chairman, could I make a final comment?

REP. FOX: Sure.

REP. LAVIELLE: Thank you very much. I just wanted to say that we are very fortunate in Norwalk and in our neighboring city of Stamford to have such insightful and deliberate advocates for the matters that these students deal with.

They've managed to have a great deal of impact in the past. They continue to work hard, and we're very fortunate to have them, and I want to say thank you as well. And thank you for your attention.

REP. FOX: Sure. And I'd also like to thank you. You've come forward now several times, not you specifically but students from my town of Stamford as well as from Norwalk, and I believe Greenwich has also stepped forward in the past.

And it, you've actually had an impact, because you can see results from what you've done over the past several years, and you're always well prepared. You're always prepared to answer questions and to defend your positions as well as try to address new issues. So I think it's been great, and we look forward to going forward again this year. So thank you.

MALLORY HAM: Thank you.

SAM LYMAN: Thank you.

REP. FOX: Next is Judge Christine Keller. Good morning.

THE HON. CHRISTINE E. KELLER: Good morning, Senator Coleman, Representative Fox, Senator Kissel, and other Distinguished Members of the Judiciary Committee. I'm Christine Keller. I'm the Administrative Judge for Juvenile Matters in the Judicial Branch. I'm also the Presiding Judge for Juvenile Matters in the Hartford Juvenile Court.

I'm here today concerning Senate Bill 417, AN ACT CONCERNING JUVENILE MATTERS AND PERMANENT GUARDIANSHIPS. The Judicial Branch submitted

the state of Connecticut readily acknowledge the need for law enforcement that protects us and incarcerates the truly dangerous.

We also seek a criminal justice system of appropriate scope in light of our state's crime rate, fiscal resources, and the impact which involvement in this system of justice has upon our state's economy and our most challenged communities. Thank you.

REP. FOX: Thank you. Thank you for your testimony. Are there any questions? Well, thank you, appreciate it.

BRIAN O'SHAUGHNESSY: You're welcome.

REP. FOX: Next, Michelle Cruz. Good afternoon.

MICHELLE CRUZ: Good afternoon. Good afternoon, Representative Fox and Distinguished Members of the Judiciary Committee. My name is Michelle Cruz, and I am the Victim Advocate for the state of Connecticut. I want to thank you for the opportunity to provide testimony regarding two different bills.

The first one would be Raised Bill 5548, AN ACT CONCERNING DOMESTIC VIOLENCE. This is a comprehensive bill that the OVA supports in the majority. And on behalf of many victims of domestic violence the OVA has assisted, we'd like to thank the continued efforts of the Speaker's Task Force led by Mae Flexer on domestic violence to improve the state's response to domestic violence.

The OVA again this year submitted several legislative ideas to the Task Force for consideration and greatly appreciates the collaborative effort in which the Task Force operates and the inclusion and holistic vision

demonstrated within the recommendations. We support the extension of the restraining order to one year and the elimination of the age barriers to the restraining order.

Section 5 of the proposed bill will also bridge the gap of protection for victims when a bail commissioner is considering release of an offender and condition to release by requiring the commissioner, the bail commissioner to consider safety as well.

Section 6 of the House bill attempts to further limit the defendant's ability for family violence education program when charged with offenses which involve the infliction of serious physical injury. Currently, a defendant is ineligible for the program if charged with a class A, B, or C felony.

In most cases, an offense which involves serious physical injury will be classified as one of these felonies rendering the defendant ineligible. Cases where the defendant has been charged with a Class D felony and has inflicted serious physical injury such as an assault two, the court must find good cause to invoke the Family Violence Education Program.

However, it has been the experience of the OVA and well documented through court transcripts that this requirement to establish good cause is not being enforced. I would point to the West Haven murder case in 2010. Selami Ozdemir cited as good cause for program participation for which he was barred that he loved his children.

The court and the state's attorneys accepted this good cause offer and provided him acceptance into the program. Additionally, I recently reviewed the legislative transcripts

for the history of the Family Violence Education Program, and, again, the Family Education Program was supposed to be limited to nonviolent first-time offenders. I would say that taking out the good cause would allow this program to be exactly what it was intended to be almost 30 years ago.

Section 8 of the House bill seeks to clarify when a person is listed as a protected person on an order of protection to allow the person to report the violation in different jurisdictions. We proposed some modification to the language to make that intent clear.

And Section 11 seeks to expand stalking to actually address the concerns of many stalking victims. We support CONSAC's language that's proposed and encourage the Committee to do so. Section 13, we would ask that in addition to family violence victim advocates' allowance to nonconviction information that also the Insurance Commission also be allowed that same access.

In order to be a bail bonds person, you have to have no felonies on your record. And right now it's a self-reporting mechanism. Without access to the criminal history, it is near impossible for the Insurance Commission to really determine who is being charged and who has a conviction for a felony aside from the self reporting.

I'm just going to sidestep for a moment and talk a little bit about House Bill 5546 and then return to the original bill, because I think there are some commonalities here that I'd like to talk about. It is important that when we look at the Graham opinion from Florida to understand where it came from.

At the time Graham was handed down, there were 129 juveniles serving life without parole for non-homicide cases, which is what Terrance Graham was serving. Seventy-seven of those were out of Florida. When I learned that, I wanted to understand why that was. What I did is I did extensive research on what was Florida doing that caused 77 of those offenders to be sentenced to life without parole for non-homicide cases.

What I learned is the following. Florida had invoked a three strikes juvenile law which basically landed people like Graham in jail for the rest of their life, and they had also eliminated the parole system. So it was truly a life sentence. There was no parole for people like Graham. Graham also only had two encounters with the criminal justice system.

There were two separate dockets where he then violated the first docket and was sentenced to life without parole. When they, when you read the Graham opinion, it is important to understand this was a narrow ruling to address a narrow situation.

The Graham court also pointed out that Graham's sentence, life without parole, was disproportionate to not just the adult offenders but also disproportionate to the crime he had committed. In response, the Supreme Court then decided that individuals like Graham, because of their maturity level, needed to have the ability to come before the court sometime in the future to determine whether or not they had changed in prison, but those were non-fatal cases.

The OVA has been very vocal about the risk reduction credits program and were also very vocal about the Graham application to

Connecticut, because there aren't any individuals like Terrance Graham in the state of Connecticut. All the offenders that were mentioned earlier who were serving life sentences are involved in homicide cases.

And that's really important to understand. I think if we were to talk to any state's attorney, any defense attorney, you would learn that most defendants, when they come to court, will say that there's some history of victimization in their past.

And I think that's what brings us to Section 16 of the House bill. Section 16 talks about expanding compensation to children who witness domestic violence homicides so that they can receive compensation. The OVA acknowledges that there are many different populations of tertiary victims, including children. However, the crime victim compensation fund is limited.

Throughout the years, there were many studies that have been conducted regarding the effects of children of incarcerated parents and children exposed to domestic violence, especially those in urban environments and domestic violence households.

As a result, many programs have been implemented to assist and support these children who otherwise may fall through the cracks of the system. However, very few, if any, research has been done regarding the effects of crime on children, especially surviving children of homicides and children who witness homicides or children who live in communities where there's homicides.

To fully understand this issue, the best response would be to bring together all of the

key stakeholders and conduct a study that includes the impact of crime on children, both short and long term, an evaluation of the current services available to these children, an evaluation of the compliance with crime victims' constitutional rights, trends throughout the nation, national surveys of services, short and long term impact to tertiary victims, including communities, and report the findings of the study with recommendations to develop and implement and improve Connecticut's response to victims of crime.

Now is the time to really look at and study the impact that crime has had on our children. And, again, if you stand in any court, you're going to hear from the defendants when they're being sentenced that there was some victimization in almost every single one of these defendants' pasts, and that victimization was unfortunately not addressed. So once we address that, perhaps we can change what's happening across the country.

Lastly, on Section 17 is the result of hard work of the Statewide Model Policy for Law Enforcement's Response to Incidents of Domestic Violence Task Force. Largely in response to the increase in domestic violence fatalities and a result of the OVA's investigative reports, including the report The Murder of Jennifer Gauthier Magnano and The Murder of Tiana Notice, the Speaker's Task Force on Domestic Violence recommended the development and implementation of a statewide model policy for law enforcement's response to incidents of domestic violence.

Section 17 requires each law enforcement agency to develop and implement specific operational guidelines for arrest policies in

family violence incidents, which at minimum meets the standards set forth in the model policy. The OVA has requested and recommends the Committee remove the language, quote, meet the standards set forth in, on line 565 through 566 and instead insert adopt in that section.

The Task Force worked diligently for months on developing a statewide model policy that would be mandatory and set the bottom line standard. By changing the language, you would do so. At this time, I will answer any questions, and I want to thank you for allowing me to testify on these two important bills. Thank you.

REP. FOX: Thank you. Are there any questions? Senator Kissel.

SENATOR KISSEL: Thank you very much, Mr. Chairman. Attorney Cruz, always great to see a constituent, and you did a lot of homework on this. When you say adopt, would adopt or exceed, if it is a baseline, which --

MICHELLE CRUZ: Yes.

SENATOR KISSEL: And I'd appreciate, you know, we both worked on that Task Force together, but that was my understanding too. And do you feel like the word meet would not serve the purpose of having it be a baseline?

MICHELLE CRUZ: By saying meet the standards set forth, basically the way it's read would mean that any law enforcement officer can come up with their own policy and then say, well, we're meeting the standards of the model policy as opposed to adopting it. And then if they choose to exceed those standards, that would be great, but at least by adopting we're setting the standard.

SENATOR KISSEL: Now on the United States Supreme Court decision, I'm trying to figure this one out, now you said there was a case that emanated out of Florida.

MICHELLE CRUZ: Yes.

SENATOR KISSEL: Is that different than the case that was heard this week by the United States Supreme Court, because I just caught it on the radio.

MICHELLE CRUZ: There were --

SENATOR KISSEL: And the one this week, was that life without possibility of release for individuals convicted of murder?

MICHELLE CRUZ: Yes, I believe that the case this week was that case. I wasn't, I haven't thoroughly read that one in particular, but all the discussions we've had so far have been about Graham.

And the Sentencing Task Force has been looking at this issue for a period of time now, but the back story of probably the second case and Graham, both have to do with a very narrow set of circumstances that have led to individuals like Graham who were disproportionately sentenced to life terms.

That's really the concern is would someone who's sentenced to a life term for two offenses that don't involve homicide, that's really disproportionate to what anybody else in that state was experiencing.

SENATOR KISSEL: Okay. And that makes complete sense to me, whereas the reporter, again, Nina Totenberg's rendition of the oral argument

that took place in the United States Supreme Court this week seemed to indicate that the justices, and, you know, so many of these things come down to Justice Kennedy, but the justices, you know, were stating that where else can you go?

We said that, you know, execution was inappropriate and unconstitutional, but in cases of murder, life without possibility of release may be completely appropriate. So, you know, I don't know how they're going to rule, but it wouldn't surprise me if they don't uphold the state laws when they come down with their decision.

The last question I, and by the way, when I went and talked to the Enfield Town Council on Monday, when I concluded that, I did watch the rest of the hearing on CT Network, so I did see the gentleman with the license plates and watched all the testimony, and so I wasn't able to come all the way back to Hartford after that meeting.

Some very insightful testimony by two young ladies this morning, I don't know if you were here in the room when they came up from Stamford and Norwalk, on the domestic violence. One of the things they had suggested was in a one section expanding from protective orders to restraining orders and how that would be communicated to folks in school systems and the fact that a guardian or parent would be able to intervene because the young person themselves might err on the side of being too embarrassed to let people know if his or her life was in danger.

And I thought also very interestingly that while the proposal says facsimile, they said don't use a fax, because too many people in a

school system might have access to the fax machine, which clearly they're using their common sense in knowing how schools operate to say, no, it needs to be much more private. Have you had, did you have a chance to listen to some of their suggestions, and do you have an opinion on that?

MICHELLE CRUZ: I didn't, I wasn't here at that time, but I agree that when you're talking about restraining orders and sending it to the schools, we also need to be cognizant of people's privacy. And I do, I know from my past experience before this position, many times in Massachusetts the parents would come requesting a restraining order on behalf of a child who was too frightened to really take that step by themselves.

And so adding that particular addition would really, I think it would strengthen our children. Many times the child may not recognize violence for exactly what it is, unfortunately. And the adult people don't recognize it for what it is, especially if it's emotional or mental or financial abuse and violence, so I would agree.

SENATOR KISSEL: And it's funny that we have all these bills here at the same time, because I think the fact that the testimony by Justice Borden who, and the professor from Trinity, saying that pretty much people that are under the age of 25 and definitely up until the age of 18 haven't formed, you know, second guessing and the kind of long-term judgment and react almost emotionally to certain things.

And that could be, cause them to act out, but it also can cause them not to protect themselves like they should. They're more

worried about their peers than their own wellbeing, and that's, so I think that that, the testimony regarding one bill sort of bolsters the arguments for what those young people said about the domestic violence bill. So, again, thank you for your all hard work and --

MICHELLE CRUZ: Thank you.

SENATOR KISSEL: -- for doing the research on the Supreme Court decisions.

MICHELLE CRUZ: Thank you.

REP. FOX: Are there other questions? Representative Baram.

REP. BARAM: Thank you, Mr. Chairman. Thank you, Attorney Cruz, for all your hard work. You had said something, and I don't have my statute in front of me, but you were talking about the diversionary program, and were you saying you wanted to take out the language that referred to good cause, or were you saying that it had been taken out for, I think it was a Class B felony you were talking about, you said.

MICHELLE CRUZ: There's a proposal, let me just find it, for Section 6 talking about limiting the Family Violence Program. And in that is the language for good cause. By having that in there, it's our experience that good cause really isn't fleshed out in the courts, and, you know, and I would turn your attention to the West Haven case.

In that case, the charges that Selami Ozdemir was brought before the court on would have prevented him from doing the Family Violence Education Program. When we looked through the

docket, what we found was his citing for good cause was I love my children. That was all he wrote, and that was enough to allow him access into the Family Violence Program.

He also had a history of, he had a prior incident where he received AR for involving a gun a number of years before that. He would have been better off in an involved or a more strict long-term program as opposed to a nine- to ten-week program.

And that's kind of the thought is if someone has a violent incident or a violent past or charged with crimes of violence, that's, the Family Violence Education Program is really not equipped to deal with that kind of behavioral change.

And so allowing for good cause, our experience is that you're really not capturing those offenders, and the good cause that's being put forth, really it hasn't been good cause. Saying that you'll have your children that you later orphan in my opinion is not sufficient. It should be, there should be a reason why we're allowing you into this program.

REP. BARAM: I agree with you, but couldn't there be other instances where, you know, there is violence involved in the incident but nevertheless there are other redeeming features that might point to a benefit or a success of going into such a diversionary program?

MICHELLE CRUZ: Yes, and what I will say is we are, oftentimes at the OVA we'll track cases. We were tracking a case, I can't remember the name of it specifically. I could give it to you this afternoon if you'd like. It involved two charges of violation of restraining

orders. We tracked that case, and in the end, those two charges were substituted down for harassment, which is a misdemeanor.

So if there's really a good cause to allow someone in the program, that can take place in the plea bargaining process. Those charges can be subbed down. It happens way too many times. Many of the restraining order violations we learn during this exercise creating the amount of policies, over 90 percent of them were either nolled or dismissed.

And so if there's really something in that person's, in the facts or circumstances that warrant that that person really should be in the Family Violence Program, and the charges really don't reflect that person's history of the incident, then I'm 90 percent sure or 99 percent sure that there will be some kind of substitution or change of the charges to allow that person access to the program.

But having it as this, you know, we're going to, we're just going to acknowledge that we're going to have people who are committing these offenses allowed into this program, which was, the original intent was nonviolent first-time offenders.

REP. BARAM: Thank you very much.

REP. FOX: Are there other questions? Representative Flexer.

REP. FLEXER: Thank you, Mr. Chairman. Good afternoon, Attorney Cruz. I just wanted to thank you for your comments here this afternoon and thank you for all of your input that became part of this bill and thank you for your work on the law enforcement response

to Family Violence Task Force. And we look forward to working with you in the coming weeks as this legislation moves forward.

MICHELLE CRUZ: Thank you.

REP. FOX: Any other questions or comments? No. Thank you very much.

MICHELLE CRUZ: Thank you.

REP. FOX: Next is Scott Ezdale, Scott Ezdale. No? Barbara Bunk. Good afternoon.

BARBARA BUNK: Good afternoon, Chairman Fox and Distinguished Members of the Judiciary Committee. My name is Barbara Bunk. And I am a co-owner in a small group, private practice of psychology in Glastonbury, and I work primarily with children and families.

I am here, I am also President of the Connecticut Psychological Association and am here today to testify in conjunction with the written testimony in front of you of a number of Connecticut mental health professionals in support of House Bill Number 5546, which you have already heard a lot of testimony about today in support of this bill.

And you clearly have some knowledge, adolescent, a lot of knowledge on adolescent development, so I will be brief. As noted in our written testimony, adolescent brains are not fully formed. The brain region that governs impulse control, risk avoidance, planning ahead, and regulation of emotion continue to mature throughout adolescence.

In comparison to adults, this makes adolescents less able to control their impulses, less capable of considering

REP. FOX: Are there other questions? No? Thank you very much for your testimony.

BARBARA BUNK: Thank you.

REP. FOX: Next is Sam Bayuk. Hello and good afternoon.

SAMANTHA BAYUK: Hi. Good afternoon, Chairman Coleman, Chairman Fox, and Honorable Members of the Judiciary Committee. My name is Samantha Bayuk, and I am a Domestic Violence and Sexual Assault Advocate at the Center for Women and Families of Eastern Fairfield County in Bridgeport, Connecticut.

I am here to testify in support of House Bill 5548, LAW ENFORCEMENT RESPONSE TO FAMILY VIOLENCE. As an advocate, I work directly with victim survivors of domestic violence. The Center for Women and Families as a whole saw 4,606 survivors last year, and our court advocates saw around 3,000 survivors.

When a perpetrator is on probation, the victim survivor is under the impression that said perpetrator is complying with the laws and attending any recommended intervention or treatment program. This, however, is not always the case.

For this reason, it is important for the perpetrator's probation officer to notify the victim so that he or she may be able to safely plan and make any necessary changes to help protect themselves from the perpetrator.

There are a multitude of reasons why information on a perpetrator's probation status is pertinent to a victim's safety. One reason is that in case a perpetrator's violence is escalating, notifying the victim

survivor allows him or her to plan for safe shelter or relocation so that the perpetrator cannot find them.

A second reason this is important is that if the perpetrator is not complying with treatment programs, specifically batterer treatment or substance abuse intervention, then their behaviors most likely have not changed.

If this is the case, it may lead to stalking, threats of violence and intimidation and in worse case scenarios where an abuser considers coming back to finish the job wherein survivors become victims again, becoming battered or even killed. If a perpetrator is exhibiting such disregard for the law, it can also show their disregard for the victim's feelings as well as the lack of trying to change their aggressive behaviors.

The more information the victim knows regarding the abuser's whereabouts, probation, and other case details, the better protected the victim survivor can be. A provision in the House Bill 5548 is for the victim notification of cases that are nolled or dismissed.

This is extremely important in cases of protective orders due to the fact that when a case is nolled or dismissed, the protective order expires. Leaving the victim in the dark does not allow him or her adequate time to prepare and safety plan.

It is also important that a survivor is notified of a nolled or dismissed case, because there are many defendants who are not abusing their partners solely for the reason of a pending criminal case. However,

disposing of these cases may raise the risk of violence occurring again.

The criminal justice system is hard to navigate for most people, victims or not, and thus it would be beneficial for victims to be more informed of case status. Bill 5548 is an important step in providing victims of domestic violence added safety measures as well as additional information regarding the abuser's case.

Thank you for considering this important piece of legislation. And it is our hope at the Center for Women and Families of Eastern Fairfield County that you will join us in supporting House Bill 5548. Thank you.

SENATOR COLEMAN: Thank you. Are there questions for Ms. Bayuk? Seeing none, thank you very much for your time and testimony.

SAMANTHA BAYUK: Thank you.

SENATOR COLEMAN: Next is Bob, Bab, Clark.

ROBERT CLARK: It's an old college nickname. Good afternoon, Senator Coleman and Senator Kissel and Representative Hetherington, Vice Chairman Holder-Winfield and Members of the Committee. I'm here today on behalf of the Attorney General. My name is Robert Clark. I'm Special Counsel to the Attorney General. He was out of town this morning and didn't think he'd be able to make it, so he asked me to come here today and testify on his behalf.

We've submitted written testimony in support of two bills. One is S.B. 423, which is a proposal from the Judicial Branch entitled AN ACT CONCERNING COURT FEES PAID BY THE STATE AND SERVICE OF PROCESS REQUIREMENTS IN CIVIL

HB5548

ACTIONS COMMENCED AGAINST THE STATE BY PERSONS WHO ARE INCARCERATED.

The second is H.B. 5548, AN ACT CONCERNING DOMESTIC VIOLENCE. I'm going to focus my comments today on S.B. 423, which is, as I said, a bill that the Judicial Branch has proposed, and our office worked with Judicial on some of the language in the bill. The bill does three separate things.

The first section is actually intended to address an issue that's arisen as a result of an opinion our office issued in 2008 to the Judicial Branch, and it dealt with the manner in which state marshals get paid by the Judicial Branch for service of restraining orders.

It was our opinion that under the current, Judicial Branch could only pay a flat $30 fee to state marshals upon successful service of a restraining order regardless of how many times service was attempted.

And (inaudible) this has resulted in most marshals ultimately not making in-hand service of these orders and instead simply doing abode service, which is legally sufficient but doesn't guarantee that an accused perpetrator of domestic violence is actually put on notice of, A, any ex parte restraining order that may have issued by a court and, B, any proceedings on an application for such an order so that when an applicant for a restraining order, and this is in a, basically this is a civil-type action, shows up at court seeking a restraining order, and the judge takes a look at the service of process or the return, I should say, and sees that in-hand service wasn't made, a lot of times judges will, even though abode service is sufficient, be

H. MARK DEANGELIS: Yes.

SENATOR COLEMAN: Okay. Seeing no other questions for you, thank you very much for your testimony.

H. MARK DEANGELIS: Actually, Mr. Chairman, can I change my answer to that?

SENATOR COLEMAN: No. Sure, you can change it.

H. MARK DEANGELIS: I want to say that I'm not sure. I think maybe in their town they're a constable, they might be able to do that.

SENATOR COLEMAN: Just within the boundaries of their town?

H. MARK DEANGELIS: Yes.

SENATOR COLEMAN: Okay.

H. MARK DEANGELIS: I'm not exactly sure. I apologize for spitting out the first answer.

SENATOR COLEMAN: No problem. Any other questions?

H. MARK DEANGELIS: Thank you for your time.

SENATOR COLEMAN: Thank you for your testimony and your time. Ellen Johnson, Ellen Johndrow.

ELLEN JOHNDROW: Johndrow.

SENATOR COLEMAN: Okay.

ELLEN JOHNDROW: Good afternoon, Senator Coleman, Representative Fox, and all the Members of the Judiciary Committee. I am an attorney, but I am speaking here today a victim of domestic violence in strong support for House HB5548

Bill 5548. First, I'd like to address Section 6H, Eligibility for Family Violence Education Program. And I'm in support of making a defense --

SENATOR COLEMAN: Attorney Johndrow, is it your preference to stand? You can be seated if you like. It's up to you.

ELLEN JOHNDROW: Thank you. I'm used to standing in court. Thank you.

A VOICE: No, you're not in court.

ELLEN JOHNDROW: This would make a defendant ineligible for an offense which involved infliction of serious injury. Back in 1992, my, I was living with my parents and my children due to being incapacitated from a broken kneecap as a result of a domestic incident.

My husband at the time came to the house, said he was taking our son, and I would never see him again, assaulted me in the process, risked injury to my two minor children ages two and newborn, and then he proceeded to beat and strangle my father to the point where he was unconscious and not breathing and continued to beat him screaming that he was going to kill him.

He applied for the Family Violence Program. I pleaded with the judge that he get serious help. He was charged with one risk of injury instead of two, because there were two minor children, he was only charged with breach of peace for my assault, he was only charged for assault to my father despite the fact that he obviously wanted to kill him.

The judge ignored the requirement of good cause and found him eligible for the program. I believe if he had received, if he had been prosecuted and convicted and received jail time, that might have been a deterrent to continued problems.

However, shortly thereafter, he, my son came to me, age three, and said, will it hurt when Daddy chops us up into little pieces? Shortly thereafter, he was laying down with flowers in his hand saying, Mommy, is this how I will look when I am dead?

This harassment, along with vandalism, arson, multiple assaults, continued for 16 years. It only ended when he died. At the time that he died, in his diary were references to my execution, and there were discussions of me being taken to a sacrificial altar. During this entire time, the law enforcement, there were so many problems with it.

Section 18 would improve that. There were either no investigations following assault on my son, and there were threats of dual arrest when people called to report that he was stalking me or harassing me. I believe that there is a great need for improvement of law enforcement, including guns not being taken away in a timely manner, not all guns being taken away. He had a substantial gun collection.

The, Section 3, which would add for protective order eligibility stalking or threats. I could not, according to the judge, I could not prove imminent danger of physical harm. However, I had very clear evidence of stalking and threats, so the judge did not grant a no-contact order as I requested. She felt that the, I had to actually be physically

harmed in a close timeframe to the time that I was seeking the order.

Unfortunately, since I did not get the protective order because I was deemed not eligible, I was sexually assaulted by my ex-husband, and I would have had to prove that it was not consensual basically in order to get a protective order. He died shortly thereafter.

As far as adding the provision for restitution services for child victims who witness violence, when my daughter was nearly two, she knew her alphabet, her colors, she was verbal, well spoken. Then she observed an incident where my ex-husband snuck up on us and slammed the trunk of our car on my arm. My daughter could not count. She could not tell her colors. She was rarely verbal. It took two years for her to recover.

And my children had witnessed acts over the next 16 years of the lives. It has caused them immeasurable harm that still lasts to this day. And finally I'd ask that the amount of time for a protective order be increased for one year. Every time I went to court for a matter like that, I felt I was taking my own life in my hands.

I would come back, and the car would be keyed, or the tires would be flat, and there were ongoing threats during court. If I could have saved myself one day of going to court, I would have been very happy to do so. Thank you very much for your kind attention, and I appreciate the opportunity to be here.

SENATOR COLEMAN: Thank you very much for your testimony. Senator Kissel.

SENATOR KISSEL: I'm sorry.

ELLEN JOHNDROW: Oh, I'm so sorry.

SENATOR KISSEL: Come on back. First, I just want you to take a deep breath. Okay? We're all friendly here. We may not always agree, but you're in a safe spot. Second, I wish death upon no one, but you're free now. He's no longer on the planet, answering to someone else in a different clime for that behavior.

I can't imagine someone harming someone like he did to you and the psychological harm that he did to his children, bad, bad, bad behavior, bad, bad. I am gathering that you'd like all the things that are in this bill, because I was one of the people let by the Co-Chairs, a lot of other people that have a lot of expertise, at least on that component of the underlying bill that as the law enforcement responds to domestic violence.

I'd like to believe above and beyond what's in the legislation that we've come a long way as a state in people's understanding as to what's going on there. But back when you first were involved in the system, what was that, 16 years ago?

ELLEN JOHNDROW: 1992.

SENATOR KISSEL: Okay. So that's, jeepers, 20 years ago.

ELLEN JOHNDROW: That's right.

SENATOR KISSEL: I really think that judges, police officers, support services, advocates, in those 20 years, there's been a huge change in our state. That does not mean that there's not a long way to go, but I think that if you

were in the system right now as if it were 20 years ago that what took place might have been different. I'd like to believe that. I would hope.

I just want you to know that coming out here at a public hearing and talking about what took place to you and your children took a lot of bravery, and I appreciate it, and I think we all do. It's one thing to get testimony from advocates. It may be their job. They may love it.

They may want to do it even if they weren't getting paid. But you're here because you feel passionately about this, and that really helps us with our decision making. The last question is, how are the kids? How did they turn out? Are they okay?

ELLEN JOHNDROW: My daughter is in the honor's program at Newhouse at Syracuse College. She wants to become a broadcast journalist, because she wants to expose social injustices because of what she felt she went through. And my son is at Manchester Community College studying law enforcement. They are wonderful kids.

SENATOR KISSEL: Well, see, there you go. You know, God has a crazy way of doing things, and it's, I don't think it's, you know, the book of Job tells us bad things happen to good people, but I'm so glad that they are sort of turning these experiences into ways to give back to the community and that you're okay.

And, you know, all I can say it's horrible what you had to live through, absolutely terrible, but you're here helping our state become better. Your testimony is extraordinarily worthwhile, and you must have

did something fabulous, because your kids both turned out fabulous, so congratulations, and thank you for taking the time to share your story with us.

ELLEN JOHNDROW: Senator Kissel, thank you for all your hard work and the Connecticut Coalition Against Domestic Violence, and Interval House, I had victims' advocates who were absolutely fabulous through my whole situation. Thank you again, sir.

SENATOR COLEMAN: Linda Meyer.

LINDA MEYER: Senator Coleman, Representative Hetherington, Senator Kissel, good afternoon, and thank you for the opportunity to testify today. My name is Linda Meyer. I am a professor of law at Quinnipiac University.

And I'm here in support of 5546, which is the Sentencing Commission's recommendation to try to come up with legislation that will allow a second look at long juvenile sentences. And I thought today that, first of all, I wanted to address Senator Kissel's point that I do think that we need to have a certain amount of time that folks serve before they're eligible, and I think there's been no disagreement about that.

As far as I understand, there's consensus that, you know, roughly, age 25, you know, should be sort of the point at which we look at these sentences, so I think that's pretty much under, been agreed upon.

The other thing that I wanted to touch on is the point that if you, and I think this has been raised again and again today because of the bills that we're looking at, and that is that if you take a snapshot of the, of many of

their own purposes, be it legal or not. At other times they use in situations involving family members in domestic situations where the legal owner of the vehicle requests it.

At no times are these devices used by private investigators without the legal owners' consent. In a list of exceptions, nowhere is there a mention of a private investigator installing or monitoring these devices for the accepted uses when requested by same thereby making it a very gray area. In conclusion, the members of CALPI ask that you specifically add private investigators as permissible users when doing so in accordance with the law.

SENATOR COLEMAN: Are there questions for Mr. Hunt? No questions. Thank you for your testimony.

NEIL HUNT: Okay. Thank you for your time.

SENATOR COLEMAN: Yeah. Danielle Burns is next.

DANIELLE BURNS: Senator Coleman, Representative Fox, and Distinguished Members of the Committee, how are you guys?

SENATOR COLEMAN: Good. How are you?

DANIELLE BURNS: Sorry about my son. My name is Danielle Burns, and this is my six-month-old, Trevor. I live at a confidential address. I am a member of the Parent Leadership Training Institute and a member of Mothers for Justice. I strongly support House Bill 5548, AN ACT CONCERNING DOMESTIC VIOLENCE.

I currently have a restraining order protecting me from my son's father. I've had it since November 9th, and unless I go back to court, it will end on May 9th. I also have a

court date on April 27th, because my son's father has petitioned for joint custody.

These two issues should be treated separately, but because a restraining order only lasts six months, the two are inextricably linked. This bill will increase the maximum allowable length of a restraining order from six months to a year. If my restraining order lasted one year, I wouldn't have the anxiety of both court cases and how one might affect the other one. I want to make sure that everyone understands that I'm not pursuing the restraining order to avoid a custody issue, but rather because I still feel extremely intimidated by this person's behaviors.

There is a simple way to explain how the psychological abuser learns their abusive behaviors, A Monster Manual. Somehow my abuser knew my weak points, and how to manipulate me so that I would behave the way that suited his ideal.

On the outside you would never pick up on his controlling behaviors and just how angry he felt all the time. Any minor infraction would spark a one-sided argument for the rest of the night. He constantly checked up on me, reading my cell phone messages while I slept, interrogating my friends and family in order to find out more information about me. Through arguing and bullying he made it miserable for me to have any friends at all, and if they were male that was a cardinal offense.

But in the end I realized that it didn't matter if they were male or female. If I paid attention to anything other than him, or got joy from anything other than him, it was a major threat to his control and power and it

had to be eliminated from my life.

Unknown to me he would follow me in my car. He has threatened to track me using a GPS on my cell phone and he would have his family members call me up and to try to figure out where I was and what I was doing. This still happens with him using his family members as the monitor.

House Bill 5548 will increase the penalty for this pattern of stalking. My story is not unusual, but what I want people to know is that all domestic violence is not physical, but it has devastating effects to your independence, your career, your family and friends, and most of all your spirit.

Ultimately, the only way I had to escape and move on was to move into a domestic violence shelter while he wasn't home. Current laws only allow victims to stay in shelters for 60 days, which is not nearly enough time to obtain stable housing and look for employment.

On a final note, it doesn't matter if you've gone to prestigious boarding school, live at a yoga ashram or have spoken out against injustice at a hearing, because I've done all of those things and this still happened to me. Thank you for your time.

SENATOR COLEMAN: That was a pretty admirable display of multitasking.

DANIEL BURNS: Thank you.

SENATOR COLEMAN: You're to be commended. Are there questions? Senator Kissel.

SENATOR KISSEL: Yeah, I -- I can't really top that, but your -- your little -- is that

Trevor?

DANIEL BURNS: Yes.

SENATOR KISSEL: Yeah, let me tell you on top of the multitasking that you did, Mom, that baby's one good baby --

DANIEL BURNS: Thank you.

SENATOR KISSEL: -- to be here. I mean, I -- I actually enjoyed hearing the little -- little chirps of crying, but not -- not heavy duty, not enough to make you pull your hair out. So really commendable that you took the time to come here, share a difficult story with us. It's just really unfortunate that our society has these individuals out there, but you're exactly correct.

I mean, the notion that you have to actually physically be threatened or suffer harm, you know, sometimes that psychological beating can be as bad or worse. Just to, you know, to battle against your soul and your spirit, but you're doing the right thing in being here today, it really puts a face with -- with a story. It may not, you know, a lot of good went into that bill, but we're always trying to make the system better. So thank you for taking the time, and you're a great mom.

DANIEL BURNS: Thank you.

SENATOR COLEMAN: Other questions? Representative Flexer.

REP. FLEXER: Thank you, Mr. Chairman. I just also wanted to also say thank you very much for being here this afternoon. It's really important for us as we're working on ways to prevent and protect victims of domestic

violence for us to hear individual stories. So thank you so much for being so brave to tell us about your personal circumstances. And we also want to thank Mother's for Justices, an organization for being such a great partner to our efforts over the last three years, to reform the states response to domestic violence. So thank you so much.

DANIEL BURNS: Thank you.

SENATOR COLEMAN: Anyone else with questions? If not, thank you very much. Stacey Violante Cote.

STACEY VIOLANTE COTE: Good afternoon, Senator Coleman, Senator Kissel, Representative Flexer, members of the committee. I'm here to testify today in support of Bill 5548 AN ACT AGAINST DOMESTIC VIOLENCE, particularly in regard to Section Two.

SENATOR COLEMAN: Before you get rolling, how close did I come to your name?

STACEY VIOLANTE COTE: Very good. Very good.

SENATOR COLEMAN: Okay. For the record why don't you state your name?

STACEY VIOLANTE COTE: It's Stacey Violante Cote.

SENATOR COLEMAN: Oh, okay.

STACEY VIOLANTE COTE: You did well. I'm an attorney at the Center for Children's Advocacy and I represent teenagers throughout the state. I direct the center's teen legal advocacy clinic and I oversee our work in Hartford and in Bridgeport, including our teen legal clinic that's located inside Warren Harding High School in Bridgeport,

Connecticut.

And we're here because the teenagers that we see through our work are also in need of the ability to be able to seek safety from the courts against their abusers. And Section Two of this bill would allow teenagers to access the court regardless of the category of their abuser. And I put in my written testimony that I've submitted to the -- to the committee, the story of two girls.

One is Jessica. Jessica came to us because her mother had violently abused her and she left her mother's home and went to her aunt's house. The next day she came to school and she asked us for help. We helped her to get a restraining order against her mother. After that we were able to work with her to get an appropriate guardian appointed for her and she was able to move on to go to school to work and is now in college.

However, another young lady, Carla, who came to see us, was seeking help because her father was physically abusing her and threatening her. Carla had just come out to father as being gay and he didn't approve of that. And when she went to seek safety from the court she was not allowed to apply because she was under 18.

Two girls, two girls in danger being treated differently, not allowed to seek safety from the court. So we're here to urge you to make the playing field even, to allow minors to access the courts for safety, and to ensure that there's clarity and consistency.

Unfortunately right now, Connecticut as graded by the National Break the Cycle Group has a terrible grade of C. We have a C compared to

New York, Massachusetts, Rhode Island, who have B's or better. New Hampshire even has an A from this national group because of their clarity and consistency in allowing minors to access the courts.

I think we can do better than this, and the amendment would allow these young people to be able to seek safety from the court regardless of the category of their abuser. I'm happy to answer any questions you might have or if there's any further information that would be helpful.

SENATOR COLEMAN: Are there questions? Senator Gomes.

SENATOR GOMES: Short question, since you're from Bridgeport. What is the main reason why we -- we differ so much from those other states that you talked about?

STACEY VIOLANTE COTE: Specifically because Connecticut does not have clarity around who can and who cannot, in terms of minors, who can and cannot seek safety from the courts. And what we know about teenagers is if they are -- if they don't know what to expect, they won't go to authorities for help. If they're unsure about whether or not they can even get in the door, they won't go to authorities.

So I'd be happy to provide you with a copy of the statements from the national organization, but they specifically recommend to improve Connecticut's response, that they allow -- that we allow minors to petition on their own behalf, and describe the procedure for doing so, to ensure clarity and consistency.

SENATOR GOMES: Thank you.

STACEY VIOLANTE COTE: You're welcome.

REP. FOX: Are there other questions or comments? Thank you very much for your testimony.

STACEY VIOLANTE COTE: Thank you.

REP. FOX: Oh, sorry. Representative O'Neill has a question.

REP. O'NEILL: Is there a -- I'm -- one of the things that I guess concerns me a little bit about some of the stories is that I -- I wonder if we would then see if we changed it and that's knowing that New Hampshire has apparently a model type of approach to this, I'm curious about the potential for this being used as some kind of weapon in the hands of a teenager whose very unhappy with their parent because, obviously, teenagers and parents go through very difficult periods of time when teenagers are pushing and parents are trying to act as parents and that sort of thing.

So I mean, I understand that the stories that you've shown us are episodes that where it looks like the teenager is clearly the victim of this, but I can readily imagine where it could be the shoe could be on the other foot, where the teenager using something like this as a threat against a parent seeking a restraining order or some other protection from the court.

And of course, we have a whole bunch of laws that trigger consequences if a restraining order is issued against someone that makes it very difficult, for example, I think, and someone correct me -- maybe you will, if someone's a police officer intrinsic in their police work frequently is carrying a firearm, and my understanding is if you had a

restraining order against a police officer that creates a lot of havoc for that officer in terms of their being, you know, to continuing employment or -- or continuing doing their work. And then there are other places and other circumstances where a restraining order might become a real issue.

We just heard a lot of testimony that 17-year olds don't necessarily think things through, don't understand the consequences of their actions. We've got Legislation before us to after someone's shot and killed somebody at the age of, say, 16 that we should,, ten years later, go back and review their sentence because they're a totally different person now that they're age 25.

So putting that kind of information in the context of what you're talking about, I'm wondering, what's the New Hampshire experience to -- in terms of how this has been used up there. Are they running into cases where it's an issue as far as the -- are teenagers using this as a way to strike back at parents when they've been told, you know, you're not going to get the keys to the car because you did something wrong or something like that?

STACEY VIOLANTE COTE: So a few thoughts in -- in answer to your question. One is that we are definitely not the first state to be doing this, so that other states have grappled with it. And in terms of your question about New Hampshire, I'd be happy to find out more information and be able to get that to you, but the safeguard, I think, against your concern is that this would still have to pass the muster of the court before any restraining order would be issued. And the -- the judge would be the fact finder and the decision maker about whether or not this is an

appropriate use of the court or whether or not this is an undue restraint on another person.

And so what we're asking for is just that minors be able to get in the door. And it would be the same standards that any other person who might be just 19 or might be just 20 who would be seeking to restrain somebody else's liberty that the judge would be there as the gatekeeper.

REP. O'NEILL: Well, I -- I guess one difference between a 17-year old and a 19-year old is that a 17-year old is at least still technically under the supervision of the parents, you know, as a practical matter that may not be the case in some situations, but I mean, at 18 -- at age 18 you acquire pretty much full legal adulthood in -- in -- under Connecticut law and the parent has no further obligation to support you for example, all those kinds of things.

I mean, it's a -- the whole area issue of what you do with 15, 16, 17-year olds in our society when they're really not children the way they were before, but they're certainly not adults either, and parents are frequently caught in a kind of -- I think it was called the gray walls for a long time.

A very strange and awkward area where the courts are reluctant to do very much about the teenagers behavior, the police and -- I mean, it's hard to get any kind of official intervention in these situations other than if they get a worst-case scenario situation involving DCF or somebody which is like, I think most people say it's a bad thing you don't want to get them involved, if you can avoid it at all.

So I guess I would distinguish between, say, a 19 or 20-year old who's living at home while going to college and versus a 16 or 17-year old who's living at home while going to high school. I mean, I -- I see -- to me it at least is a bright line distinction, in terms of the way the law treats one group versus the other, but I would be curious about to see how those states that have apparently have taken the most advanced position on this in terms of allowing access to the courts and making it really clear that they can go there -- that the teenagers can go there to -- to access the courts and see what the reaction -- how that has worked out.

How long have they been doing this in New Hampshire?

STACEY VIOLANTE COTE: The -- the grades that came out from the national organization were done in 2010, and I have some of the statutes that I'd be happy to forward to you, and be able to have further conversation about the work in New Hampshire, New York, Rhode Island, Massachusetts.

REP. O'NEILL: What's the distinction between -- why does New Hampshire get such a high grade compared to, let's say, New York or Rhode Island?

STACEY VIOLANTE COTE: Yeah.

REP. O'NEILL: I mean, if you can tell quickly if you know basically what the answer is.

STACEY VIOLANTE COTE: So in New Hampshire they both allow minors to obtain restraining orders, and then it's unspecified as to whether or not restraining orders can be issued against minors, but they do allow

minors to petition on their own behalf. And those three categories are the categories that the national organization looks at.

REP. O'NEILL: Okay. So having restraining orders issued against minors, would that be an A plus or is that would bring you down a letter grade or something? In other words, what's the desired outcome from this national organization?

STACEY VIOLANTE COTE: The -- the desired outcome would be to allow them -- to allow minors to obtain restraining orders, to allow them to obtain them against other minors, and then additionally to spell out the -- the procedure under which a minor can seek a restraining order. Again, looking for clarity and consistency.

REP. O'NEILL: Okay. All right. Thank you, Mr. Chairman.

REP. FOX: Representative Hetherington.

REP. HETHERINGTON: Thank you. What -- could you describe how you see the process of a 15-year old going to get a restraining order against mother or father or sister or brother or someone who is seen as a bully in school? How -- how does -- how would that go forward?

STACEY VIOLANTE COTE: Well, that person, Representative Hetherington, would be subject to this -- to the same category as any other person so it would have to be a spouse, a parent, somebody they reside with, somebody that they are related to by blood or marriage, or somebody they were in a dating relationship, so it couldn't be somebody they don't like at school; that -- that wouldn't be allowed under the -- under the current

statute.

But if the -- if the person who was abusing them was in one of those categories, first of all, I would say that in our experience it's very difficult to get younger teenagers to consider seeking safety from the court, mostly, I think, because of the lack of consistency in -- in clarity that has -- that they've experienced.

But, perhaps, let's take a 17-year old who might be more willing to seek out safety and they would follow the procedure that -- that the court sets out and then be subject to the rules from the judge of, you know, determining whether or not it's an appropriate use of judicial power.

REP. HETHERINGTON: Just in terms of the practical aspects of it, would a young person go to an advocacy organization, I mean, or go to the court houses their self -- herself or himself (sic) -- himself, or would -- how -- you know, do you have some idea from -- because these -- obviously from New Hampshire there is an operative statute, how -- what the practicalities of it?

STACEY VIOLANTE COTE: I'd be happy to find out for you, procedurally in New Hampshire, how they -- how it works step-by-step. In our experience here we have -- we have teenagers who have come to us asking us to help them, and even with us by their side, sometimes they choose not to because we tell them we are not sure if the judge is going to let you apply on your own. And so even with us standing by their side they've -- they often choose not to pursue this. I told you -- I did tell you one story about one young lady who we did help.

REP. HETHERINGTON: Would there be any minimum age?

STACEY VIOLANTE COTE: The committee could certainly consider that.

REP. HETHERINGTON: I mean, we -- you know, we -- you've been present here and you've heard all this testimony about brain maturation and how your judgment changes as, you know, add years on. I just wonder if that -- is that any reason to be concerned about using this as a weapon against someone who is really innocent of what we would consider abuse?

STACEY VIOLANTE COTE: So I think two thoughts. One is around -- we -- we do have the gate keeper of the judge determining whether or not this rises to the level of -- of restraining somebody else's liberty. And the other tool that we have for young people is the use of the Department of Children and Families. So that referrals by mandated reporters who work at the court could be made to the Department of Children and Families to do, you know, background investigation or find out more information about this -- about what is happening.

REP. HETHERINGTON: Okay. Well, it's interesting. Thank you. Thank you, Mr. Chairman.

REP. FOX: Sure. Senator Gomes.

SENATOR GOMES: A little while ago there were some questions about, you know, parents jurisdiction over a child 18 years they're still considered a child, but sometimes you have 19, 20-year old living at home, what is the parent's jurisdiction over that child if you're living in my house and you're maybe 19, 20 years old, as opposed to a kid who's 18 and below, and what level of jurisdiction?

In others words, I can tell you what to do because you're 18 or less, but you're living in my home and I'm 19 or 20. What is that for the place begin?

STACEY VIOLANTE COTE: So in our experience we -- we have gotten calls from 18-year olds who are being told they have to leave their parents' home, and generally we tell them that under the law a parent at the age of 18 is not obligated at that point to provide the things that they're obligated to provide under age 18, and that's -- that's spelled out mostly by the Department of Children and Families and their policies and procedures around providing appropriate food, clothing, shelter, so on, and -- and safety and so on.

And so at the age of 18 we do end up with -- with young people who are on their own or have no place to be because the parent is not obligated at that point under -- under the law.

SENATOR GOMES: I -- I was asking that question because, you know, different ages of children changes even like on a health -- providing health you can have your child on your -- your healthcare up to the age 23 and so on and so forth. So what you're telling me is if you're 19 or 20 you're living in my house, I don't have to treat you like that 18-year old, I can tell you, if you don't see what -- the light here, you can get out; is that what you're saying?

STACEY VIOLANTE COTE: That's our understanding of the law.

SENATOR GOMES: Thank you.

REP. FOX: Well, I don't see anyone else. So thank you very much --

STACEY VIOLANTE COTE: Thank you.

REP. FOX: -- for your testimony and for answering the questions. Kathie Berkel followed by Deborah Del Prete Sullivan.

KATHIE BERKEL: Good afternoon, Co-Chairman Coleman, Co-Chairman Fox and members of the committee. I am pleased to have the opportunity to present today on behalf of the Connecticut Coalition Against Domestic Violence, CCADV on Bill Number 5548 AN ACT CONCERNING DOMESTIC VIOLENCE.

I commend you Co-Chairmen Coleman and Fox and the entire committee for holding this important hearing, which provides a useful forum to exam the need for additional protections for victims of domestic violence in the state of Connecticut.

My name is Katherine Veranel Berkel and I work as a family violence victim advocate supervisor for the Women's Center of Southeastern Connecticut, one of 18 member organizations represented by CCADV.

Because of my long standing within the community I was given the honor of serving on a task force of law enforcement response to family violence. This working group was made up of a broad area of stakeholders from around the state. We were asked to evaluate existing policies and procedures and to develop a statewide law enforcement policy.

Based on our findings during the course of our work on the task force, we recommended that the following steps be taken in order to

ensure that victims received consistent treatment across the state. Established consistent procedures for law enforcement of protective, and restraining orders. Developed procedures for officer involved domestic violence cases. Established procedures for the defendants return to the residence to retrieve personal belongings.

Defined protocols procedures of firearms and electronic defense weapons. Designate domestic violence liaisons with -- within each police department. Clarify procedures for multiple jurisdiction responsibility coordination. Require four and half hours of domestic violence training out of the 60 hours of mandatory continuing education for educated -- educating established officers. Define arrest procedures and revise the DPS 230 Form to include a section to document the reason for a dual arrest.

Above all, the task force recommended the establishment of a diverse family violence model policy governing council, which would continuously evaluate police domestic violence incidences and policies and procedures, review and update the model policy and keep abreast of relevant Connecticut laws. Also evaluate the accuracy of the data use to make domestic violence policy decisions.

By passing this bill the Legislature will be putting into place an invaluable mechanism for improving the safety of domestic violence victims and consistency of law enforcement and response to domestic violence incidences.

Additionally, this bill is important for victim safety planning because it would allow the judicial branch to disclose non-conviction information regarding domestic violence

abusers to victim advocates. This would allow advocates to put together a more effective safety plan for domestic violence victims and their children.

A pattern of abuse is a significant lethality indicator and knowledge of prior police and court involvement is essential for court-based advocates to effectively perform a task of safety planning with the victim.

REP. FOX: Thank you. Thank you for your testimony.

KATHIE BERKEL: Thank you.

REP. FOX: Representative Flexer.

REP. FLEXER: Thank you, Mr. Chairman. I just wanted to take this opportunity, Kathie, to thank you for being here today and for testifying on House Bill 5548 and also for all of your work on the development of the model policy in the law enforcement response to family violence task force. So thank you very much.

KATHIE BERKEL: Thank you, Representative Flexer.

REP. FOX: Senator Kissel, as well.

KATHIE BERKEL: I'm sorry.

SENATOR KISSEL: You want to skidatol; I'm not letting you go. Ms. Berkel, thank you again for coming here. It was a pleasure serving with you and Mae and all the others on -- on the task force. I don't know if you were here in the morning when those two young ladies from Norwalk and Stamford had some insights on the proposed bill?

KATHIE BERKEL: No, I was not, sorry.

SENATOR KISSEL: Yeah, one of the things they were -- they had a variety of suggestions one of -- one of them was I think along with protective orders to schools they wanted restraining orders to schools they wanted to expand it that way. They had concerns regarding using a fax machine to get that information to the school. They said in a school setting people might have access to that that shouldn't have access to the information.

And one -- one last point was, and Representative Flexer tried to draw out a little more color on this was, they thought that a parent or guardian could actually make that application to the school system, because they said amongst their group, they said in a school setting sometimes a minor might be more concerned about the embarrassment or peer reaction to the detriment of their own health and safety, and that someone maybe one step removed, like a parent or guardian, might be able to make more objective decisions and -- and say, listen, we know you might be embarrassed by this, but guess what, you're in a dangerous situation and -- and we're going to move forward.

So I just don't know if you have a reaction to that?

KATHIE BERKEL: Well, I do believe that it would with the victim's consent to release the information to the school and also, I work in a -- between New London and Orange and we have a few colleges there, and many times we have the police have come and picked up the orders and delivered them to the school or the security -- the actual college campus security has done that with the court system. I don't

know how that would work in other parts of the state, but that has worked very well with us.

SENATOR KISSEL: But in the instance where the victim might be a minor and they -- their concern might be mom, I don't want you to bring this to the attention of the school because my friends are going, you know, look down on me. The parent or guardian might say, you know, you need to move forward with this.

KATHIE BERKEL: Well -- and I -- I think that parent or guardian should make that decision, but it's also information that would be held within department of the school that would not -- the children would not have access to that information.

SENATOR KISSEL: You don't have a problem with the parent or guardian having authority --

KATHIE BERKEL: No, I do not.

SENATOR KISSEL: -- in that situation?

KATHIE BERKEL: For safety I -- I do not.

SENATOR KISSEL: Okay. Thank you.

KATHIE BERKEL: Thank you.

REP. FOX: Okay. Thank you. Deborah Del Prete Sullivan.

DEBRORAH DEL PRETE SULLIVAN: Good afternoon Representative Fox, Senator Kissel, Representative Hetherington and other members of the Judiciary Committee. My name is Deborah Del Prete Sullivan. I'm legal counsel to the Office of Chief Public Defender here before you with Chris Rapillo from our office, as well.

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I'm here today to speak mostly on 5546 in support. We did submit other testimony in support of 453 and also, Michael Alloby, who's sitting behind me had submitted testimony in support of -- with one concern that he's raised in 5548.

If I may, on 5546 we are in support of this particular provision which would allow the sentencing commission to continue its work on this particular issue. I was -- I was lucky to be part of that working group that did have the detailed discussions, and in my testimony I actually go through each of those questions that have been outlined within the bill itself and indicate what our position has been on those different areas.

It was a great discussion because when we first looked at this bill as AN ACT REGARDINGING SENTENCE MODIFICATION, I mean only the court could actually modify a sentence. And as the discussion went on it actually evolved into a situation where instated of actually modifying the sentence where it could be decreased or suddenly released totally on probation at that time, we looked at what the board of parole and pardons and parole could do where the sentence would be -- remain intact; however, the person would be found to be eligible after a certain amount of time, and the general consensus of the group was at least the ten year time period, but then the would -- the person would go before the board of pardons and parole and have a hearing before them.

We were totally in support of having counsel appointed. There was great discussion about how that would work for people who were indigent and how that would work through our

if we looked at a way to demonstrate that this is a scientific fact by - by finding a way to measure it at some point in time.

WALLY LAMB: No, I agree. I think if such a test could be devised it could be one more tool in the toolkit to figure this out.

REP. HETHERINGTON: I think it would eliminate probably a substantial amount of -- mute a lot of the opposition that might -- might amount.

WALLY LAMB: But each -- each inmate also, has a history --

REP. HETHERINGTON: Right.

WALLY LAMB: -- when they're incarcerated, so there is a history of disciplinary tickets, there is a history of groups that they participate in, programs that they've -- that they access and so forth, and I think that, you know, that creates a kind of a landscape of how they spent their time.

REP. HETHERINGTON: It certainly does have an evidence quality about it. Thank you very much.

WALLY LAMB: Thank you all very much.

REP. FOX: Next we have Christine Rodrique.

SENATOR COLEMAN: Senator Gomes, did you have a question?

CHRISTINE RODRIGUE: Good afternoon distinguished members of the Judiciary Committee. My name is Christine Rodrique and I am here today to speak on Raised Bill 5548 AN ACT CONCERNING DOMESTIC VIOLENCE.

It is particularly challenging for me to be here today because talking about my personal experience always provokes feelings and images that I want to forget, but even if one word that I say today helps to protect other victims then it is worth the time I spend with you.

My ex-husband was an alcoholic and it took months of living in denial before I would come to that realization. I thought, how could I have not seen it. I'm smarter than that. He was drunk, under the influence of drugs throughout our relationship. The first time I was abused was shortly after I got married. Most of the abuse I experienced was verbal abuse, or so I thought.

He would negatively comment on my cooking abilities. He would humiliate me in public and belittle my children. He also sexually assaulted me, but I never once considered his inappropriate advances to be abusive; I was taught that pleasing my husband sexually was my duty as his wife. When I refused he would accuse me of cheating on him, and whenever the phone rang and someone hung up he was convinced it was a man calling for me.

As the years passed he committed -- he continued to verbally and sexually assaulted -- assault me, and on occasion his abuse turned physical. One day in a drunken fit he told me that he attempted to kill himself. I saw his standing over our son in the strangest of ways so I called the police, because I didn't know what he would do.

Before the police arrived he trashed the kitchen; there was broken windows. He also strangled me. I was determined I was not going to die, nor was he going to harm or

raise our children. With all the power I could muster I managed to reach my arms to his body and shoved him into the kitchen counter. I caught him off guard and he released his hands from my throat.

When the police arrived he was taken to the hospital and I was told that if I disclosed that I was strangled then DCF would be called and my children would be taken away.

I couldn't risk losing my children, so I remained silent. He was never arrested. I endured the abuse for 14 years and it wasn't until my ex-husband jacked my son up against the wall in a strangled hold that I left. I was determined that no one would ever abuse my children. I went to the court, and with the assistance of the people there I was able to file for divorce on my own.

I tried to request a restraining order, but I was told that since my history of abuse was verbal in nature I was not eligible. I never mentioned the strangulation for fear of losing my children, and I never spoke of the sexual abuse because I didn't realize it was abuse.

Today I would qualify for a restraining order that would be good for six months, then I could appeal to the court for a longer period of time. I could through the initial process, but I don't know if I would return for an extension. I don't think I could bear to face my abuser again and go through the process.

I want the violent -- violence to stop. I don't want additional opportunities for him to engage or have contact with me. I am asking you to extend the length of time of the restraining orders for up to one year.

Today I have healed and I work to raise awareness about domestic violence. I have my own cable show and I bring in guests from domestic violence organizations to talk about what services are available.

Today you have a chance to make a difference in the lives of victims by supporting Bill Number 5548. Thank you for your time and I'm sorry for going over.

SENATOR COLEMAN: No need to apologize. Thank you for your testimony. Senator Kissel.

SENATOR KISSEL: I just want to thank you for your patience here today, and your -- your bravery. Where does your show air? What part of the state?

CHRISTINE RODRIGUE: Connecticut -- Farmington, Burlington, Bristol -- sorry -- and now Hartford and Camden.

SENATOR KISSEL: Well, as I have a monthly local cable access show thanks to some wonderful volunteers, and it's a lot of work putting those programs together, and you're doing a great public service.

And as I indicated to previous speakers, I'd like to believe that our state has come a long way in the last 20 years, and that if you were confronted that initial attack on yourself and your children that it wouldn't have ended up the same way as it did back then. That's just -- that's a terrible choice that if you speak up to protect yourself, you're in danger of losing your children. No one should be offered those -- those two alternatives. That's unacceptable, at least should be completely unacceptable, here in the state of Connecticut.

So thank you for -- for turning a terrible chapter in your life into advocacy work to help the lives of other people, and again, thank you for being brave enough to share your personal story with us this afternoon.

CHRISTINE RODRIGUE: Thank you for the opportunity. Thank you.

SENATOR COLEMAN: Are there other questions for Ms. Rodrique? Seeing none, thank you for your testimony, and for giving Senator Kissel yet another opportunity to shamelessly plug his cable TV show.

CHRISTINE RODRIGUE: Okay. Thank you.

SENATOR COLEMAN: Thank you, ma'am. Eric George.

ERIC GEORGE: I've had to follow some tough acts before, but the last two really are at the top, and I am humbled to follow them and I am so happy that I'm not here to testify against their bills. I am here to testify against another bill though, it's House Bill 5535.

For the record my name is Eric George. I'm Associate Counsel for CBIA. We are a large trade association, 10,000 members. The line share of small companies and that's why I'm here today. Because what you have in front of you with House Bill 5535 is a health insurance mandate. It's not the classic benefit mandate, but it is a health insurance mandate nonetheless.

It covers a group of individuals, in this case ex-spouses. And these really affect the healthcare costs for small employers, because they only apply to full insured plans. And those are the ones that small employers buy.

ALI HARRINGTON: Thank you.

REP. FOX: Are there any other questions? Okay. Seeing none, thank you very much.

ALI HARRINGTON: Thank you.

REP. FOX: We have gone through the first page of public testimony. We still have a page and half to go so it's -- it will be awhile. I'm not sure if everybody is still here. One of the things that has been suggested is if you're from the same organization, but you're signed up in different places to testify if you think it would expedite things to come up together you can do so.

I would only ask that you try to shorten your times that you don't need to get a full three minutes, but at least you could then be up here together, and you could answer questions from members of the committee.

With that in mind, next is Brian Sullivan from the Connecticut Coalition Against Domestic Violence.

BRIAN SULLIVAN: Yes.

REP. FOX: And I see you have somebody with you.

BRIAN SULLIVAN: Yes.

RUTH DUSHAY: Hi. I'm Ruth Dushay and I'm with the Center for Women and Families in Bridgeport, Connecticut. I'm a family victim violence advocate and our agency is one of the CADV member agencies.

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REP. FOX: Okay. Well thank you. If you could please begin.

RUTH DUSHAY: I just wanted to mention I'm a civil court victim advocate for the Center for Women and Families. We're a Bridgeport based domestic violence and sexual assault crisis agency that serves the towns of Stamford, Fairfield, Trumbull, Fairfield East and in Bridgeport.

The family violence court advocates from our agency saw about 3,000 clients in 2011 and it well the total center saw about 4,600 survivors. As family victim violence advocates we provide safety planning, counseling, referrals, and advocacy for victims of domestic violence.

We are in support of House Bill 5548 and feel the provisions contained therein will provide additional protection for victims and survivors of domestic violence.

One of the things that bill addresses is what takes place when a dual arrest happens. As advocates we have the benefit of reading the police report and then speaking to the parties on the day of arraignment.

There have been times when it's obvious that the true victim in the case was inappropriately arrested. And often it would appear that officers are not being adequately trained on subjects such as defensive wounds, predominant aggressor, and dynamics of domestic violence.

Several things can happen to a victim of domestic violence who is arrested when that person actually was just defending themselves. The abuser can use this as a tactic to gain more power within the relationship. The victim may be afraid to call the police for

future incidences and a protective order can even be issued against the person who is the actual victim in the incident.

Best practice includes adequate law enforcement training to ensure that appropriate dual arrests do not occur. I'm just going to cut out what might be duplicated by other testimony from other people. One thing we did want to mention is that the current DPS 230 Form, which is submitted by the police officer at a domestic violence incident does not allow for clear cut data to be gathered on dual arrests, which makes it difficult to determine what the actual number of dual arrests is, but the form should be revised so that officers can document why they actually made the dual arrest.

There's no field on the form allowing for an officer to record what offense each individual was arrested for.

The form hasn't been modified since 2007 and it's time that it was reviewed not only for the dual arrest purposes, but also so that the form can be current -- up dated to reflect the current statutes. That's all I'll say so that Brian has a chance to talk and I don't take all our time.

BRIAN SULLIVAN: Thank you. Thank you, Mr. Chairman. My name is Brian Sullivan. I work as the Director of Policy for CCADV and I'm here to speak about two Bills 5510 and 5548.

First, if 5510 is passed it will provide for increased collaboration on domestic violence issues between different sectors of the judicial branch by requiring that judges and criminal family violence cases be given a report indicating whether, the same parties

are also involved in a family relations dispute. This information would be extremely valuable to family violence judges who need to take victims safety into account when issuing orders and handing down sentences.

When the status of a relationship changes as a result of legal action such as, divorce proceedings, child custody disputes, and civil restraining order applications; the victim is then a significantly elevated amount of danger from the abuser.

By having access to this information regarding the status of concurrent family relations cases, judges and family violence cases, will be able to make decisions that will keep victims and their minor children safer.

Secondly, with regard to 5548 Connecticut's stalking statutes need to be updated to include a wider range of offender behaviors. Currently the crime of stalking is limited to offenders who repeatedly follow or lie in wait for their victims, but we know that stalkers use a much wider range of behaviors and means to track, intimidate, and frighten their victims. They may send flowers one day, leave voice mails the next day and physically follow the victim the following day.

Stalkers should be held accountable for their entire course of conduct however varied it may be. Connecticut's stalking statutes are not currently flexible enough to cover new technologies such as GPS, cell phones and the internet that offenders use to stalk their victims.

While the current proposed stalking language in Section 11 of this bill is an improvement, the committee should consider alternative

language during the amendment process that refocuses the stalking second language on a course of conduct by the offender which causes the victim to fear for his or her physical safety or employment security.

This language has already been drafted by context, the course of conduct approach is currently used by 44 other states. Connecticut should ameliorate its position as one of the stragglers. Thank you.

REP. FOX: Thank you. Thank you for your testimony. Senator Kissel.

SENATOR KISSEL: I just want to thank both of you for coming up and testifying. I think and I had the pleasure of serving with so many great people on the task force, regarding law enforcement's response to domestic violence. I think we contemplated that on the form that we would leave it up to police officer standards and training and cooperation in working with the state police to modify that, because as the form might get modified that data has to get inputted through the state police computer system too so that we can aggregate and pull out the things that are helpful.

And on the stalking, absolutely, and you know, we're really hoping that, again, as I've said over the last 20 years, I think we've made tremendous strides regarding our response to domestic violence. The testimony of these women that had this happen to them 20 years ago, I don't think would happen today, but that's not to say that we don't have a -- a significant ways still to go and so your testimony here this afternoon I think helps tremendously. Thank you.

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BRIAN SULLIVAN: Thank you.

REP. FOX: Thank you. Any other questions or comments? Thank you for testifying today. Karen Gaston to be followed by Alec Buchannan.

KAREN GASTON: Hi. Good afternoon.

REP. FOX: Good afternoon. Please -- please proceed.

KAREN GASTON: Good afternoon, Senator Coleman, Representative Fox and members of the committee. My name is Karen Gaston. I am here today to speak on Raised Bill 5548 AN ACT CONCERNING DOMESTIC VIOLENCE.

Last year as a survivor of domestic violence I was given the opportunity to sit on the law enforcement response to family violence task force, an appointment I found to be very rewarding. I wasn't always the proud and confidant woman I am now. I experienced abuse at the hands of my now ex-husband, but it didn't start out that way.

Like many survivors of domestic violence, I was courted for years before I got married. Those were the most wonderful times. I was treated like a princess and my life was everything it could be and more. I was lavished with gifts, trips, and lots of love. I never realized what I was in store for. We married and shortly thereafter the abuse began.

It started out with verbal abuse, name calling, putting me down, and humiliating me -- excuse me. Eventually the abuse got worse. He started pushing and shoving and then he hit me. I called the police and I went to stay with my mom, but only for the night.

When I went back home the next day he was there, the police came and he was arrested, but that didn't stop the abuse. He continued to harass and stalk me. I had to change my phone number, and over the course of months I called the police. He was arrested and the court issued a protective order for my safety.

I was shocked and afraid. I learned that the protective order meant nothing to him. About eight months later, and with a full protective order in place, he came to my home to drop off my daughter from visitation. An argument ensued and he tried to strangle me.

I ran inside to call the police, and as I was speaking with dispatch he broke down the door. Then he stabbed me in the back. At first I didn't even realize that I was hurt. It wasn't until I saw the blood that I knew that I was seriously injured. I was rushed to the hospital where I stayed for a week in recovery.

After I was stabbed he went into hiding and eventually he was picked up on the warrant. The abuse finally stopped when I started fighting back and I didn't back down; however, he did continue to harass and try to control me by filing motion after motion in civil court.

What I told you is just a small glimpse into my life. I would like to say that was my former life, but there are days when I look over my back. Even time cannot erase those memories.

Today I have dedicated my life to helping victims of domestic violence whose cases are heard in the Hartford court. When I speak

with victims I can see that something's have not changed. I have noticed that domestic violence is responded to differently in each police department and sometimes differences exist even within one department. Just as I had experience there was no uniform response.

I have also seen that there are far more violations of both restraining orders and protective orders with no arrests. And I think perhaps my circumstances would have been different if my ex-husband was arrested for violating the protective order.

So today I come before you in support of Raised Bill 5548. We must invest our time and the right approaches and in getting better outcomes for victims. And while I cannot change what happened to me, I do know that with your support life can be different for other victims. Thank you for your time.

REP. FOX: Thank you for your testimony and for being here this morning --

KAREN GASTON: Thank you. You're welcome.

REP. FOX: -- and this afternoon. Are there questions? Representative Flexer.

REP. FLEXER: Thank you, Mr. Chairman. I just wanted to thank you, Karen for -- for coming here to testify today. Thank you for the work that you do in day and day -- day in and day out on behalf of victims and thank you so much for the work that you did as a member of the law enforcement task force on family violence. Your input was invaluable so that you very much.

KAREN GASTON: Thank you. You're welcome.

REP. FOX: In the bill that's what is says, yeah. I'm not sure that's the case now.

EMILY NICHOLSON: It -- I believe that's the way it current -- it currently will be with this bill.

REP. FOX: With the bill? Yeah.

EMILY NICHOLSON: Yeah.

REP. FOX: And -- and I'm just wondering if that would also even for the higher felonies, if they determine is that still the appropriate way to go if they could do that, but we'll -- I'll -- we'll find out the answer. I just thought I would ask you.

EMILY NICHOLSON: I think that would be beneficial.

REP. FOX: Okay. All right. Are there any other questions? Well, I don't see any, but thank you very much.

EMILY NICHOLSON: Thank you.

CARA COX-STEINER: Thank you.

REP. FOX: Jennifer Zito and Tom Ullman.

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JENNIFER ZITO: Chairman Coleman and Fox, Representative Hetherington, distinguished members of the committee, my name is Jennifer Zito. I am the immediate past president of the Connecticut Criminal Defense Lawyers Association, and with me is Thomas Ullman and former president, also our representative on the Sentencing Commission.

I will be speaking relative to support for Bills 5546 AN ACT CONCERNING SENTENCING

MODIFICATION FOR JUVENILES only very briefly, as Tom Ullman will address , and also in support of Raised Bill 417 AN ACT CONCERNING JUVENILE MATTERS.

Briefly, I did want to point out that Elisa Villa who is on our Executive Committee was intending to testify today, and submitted written testimony to you regarding Raised Bill 5548 AN ACT CONCERNING DOMESTIC VIOLENCE.

I will rely on her written testimony and not testify about that, but I did want you to know we took a position and we're objecting only to Section Six of that bill, as very specifically delineated in our written testimony. There is a typo in the first paragraph that said that we were objecting to Section 11 as well, that is not the case, only Section Six.

Relative to the juvenile bills that I've mentioned based on our -- the recent obvious science and research on brain development and the fact that teens and youths are vulnerable to negative influences and peer pressure and that they are powerless to protect themselves often from dysfunctional and dangerous home environments, Connecticut needs to continue to address felony convictions for juveniles and sentencing issues relative to juveniles.

We recognize that they are of unequal culpability to adults and that they have a tremendous potential for rehabilitation. I would urge our Legislature relative to the Sentencing Commission mandate that's being sought in Bill 5546 that this Legislature continue to be proactive and not reactive and waiting for the decisions from the U.S. Supreme Court in Jackson and Miller I don't think is necessary to pass this mandate to the Sentencing Commission.

every state that's considered the issue with the exception of Oklahoma, has found that juveniles should have juvenile specific statutes with regard to competence to stand trial.

So the Legislative trends nationally, is for juvenile specific statutes. So although juvenile courts are based upon (inaudible) the ideal it's still imperative that we protect the due process rights of juveniles. And so therefore I would support Bill 417, and I want to thank you for the opportunity to provide this testimony. I can answer any questions you might have.

REP. FOX: Well, we do thank you for being here. We thank you for -- it's been a long day and, but your testimony is very helpful. Are there questions or comments? Sorry. It's kind of late so I guess we don't at this point.

KIMBERLY LARSON: I completely understand.

REP. FOX: But we do thank you for -- for being here.

KIMBERLY LARSON: All right. Thank you all.

REP. FOX: Robert Miller. Okay. I know he was here earlier, but okay. Susan Budlong Cole. Okay. Brian Anderson. Michael Burns. He's followed by Andrea Dahms who is here. Okay.

MICHAEL BURNS: Good afternoon.

REP. FOX: Good afternoon.

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MICHAEL BURNS: Representative Fox, Senator Coleman, Senator Kissel, Representative Hetherington and committee. My name is Michael Burns and I -- I'm an attorney with

Connecticut Legal Services. I've been an attorney representing domestic violence victims for 25 years. And to my right is Lorraine Roblyer, she's also an attorney with Connecticut Legal Services and she's the head of the Family Unit.

We're here actually on behalf of all three of the major legal services organizations in support of House Bill 5548 AN ACT CONCERNING DOMESTIC VIOLENCE.

There are several improvements that that bill brings to protections for victims of domestic violence, but I -- I just want to jump to one particular provision that I think is a very good improvement, but could use a little help and that is the provision which expands the protections by allowing the clerk of the court to send the criminal protective order or civil restraining orders to the school where a victim may attend or is enrolled.

And that's -- in my experience over the years I've had a lot of problems with abusers showing up at schools and creating a lot of problems. So I think that this provision is very, very helpful; however, there's something very important that's left out and that is, abusers not only show up at the schools where their victims are enrolled or attend, but they've also show up at schools and childcare centers where their kids are.

And if the children -- the party's -- if there are children of the party's or if there are children involved in the family dynamics it's very common for abusers to use the children to get at the victims.

The children are often put in the middle of horrible situations, and used as pawns in

relationship. So to better protect the children I have one slight small suggestion for that provision in the bill and that would be to add the language that at the request of the victim, any order of protection which includes any protections for any child listed on the order shall be sent by the clerk of the court to any school, preschool, daycare, or other such facility where the child is enrolled or attends.

This one sentence to be added in the bill in the two places, where the bill provides the clerk to send an order to the school attended by the victim should be added to those two -- and those are for civil restraining orders and the other one is for criminal protective order.

By adding that one sentence children will be better protected. Thank you. If anyone has any questions.

REP. FOX: Thank you.

MICHAEL BURNS: Thank you.

REP. FOX: Thank you for your testimony. Okay. Next I had previously called Susan Budlong Cole and apparently Alexis Sturdy had switched places with her so, if you're here then, Andrea Dahms, to be followed by Karen Jarmoc. If they want to go together that's great. Hi.

ALEXIS STURDY: Hello. Good evening. Thank you for -- my name is Alexis Sturdy and I'm here to support Bill 5546. I'm the Co-Founder and Director of the Center for Prison Education at Wesleyan University in Middletown. The Center is an initiative of Wesleyan University in collaboration with Unified School District Number One, through the Department of

would be greatly impacted by the conversation that's been going on today.

These men are dedicated students with a passion for learning and for getting back to the communities. It saddens me to know how many men in our program can give if they had the chance once released. This bill has the opportunity to start a much-needed conversation. I hope you will consider providing mechanism for a second look at the long sentences that have been imposed on the men in my program, and many women and men like them who were convicted as juveniles.

It gives me hope that after serving some time they're potentially prove their maturity and return home to contribute in a meaningful way to society, their community and their families. In my opinion this bill has the opportunity to champion meaningful rehabilitation. Thank you for your time.

REP. FOX: Thank you. Are there any questions? No. Well, thanks for your testimony and bringing your experience here. Next is Andrea Dahms. Karen Jarmoc. Anyone else? No. Okay.

ANDREA DAHMS: Cutting down the time.

REP. FOX: Okay. Good evening. Thanks for waiting all day.

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ANDREA DAHMS: Good evening. My name is Andrea Dahms. I'm an attorney with the Domestic Violence Crisis Center. I would like to just start out by thanking the Chair and the committee members for giving me the opportunity to speak here today and listening to us all, for hours on end.

And I would also like to thank Speaker Donovan and Representative Mae Flexer on behalf of the DVCC for all their wonderful work on the task force, and the commitment that they've shown in continuing to put forth the critical reform, for your consideration.

DVCC is a member of the Connecticut Coalition Against Domestic Violence and annually provides direct services to over 4,000 victims of domestic violence across seven communities in Mid-Fairfield County. Our agency is contracted by the state to provide court based victim advocacy in both the Stamford and Norwalk court. In 2011 my team of four advocates provided safety planning services and advocacy to over 12,000 criminal court cases.

Law enforcement was often the first point of contact for each of our victims, within the criminal justice system.

Recognizing that law enforcement plays such a critical role in the response of our communities domestic violence the DVCC strongly supports the proposed Legislation to adopt and mandate compliance with the statewide model law enforcement policy as drafted by the law enforcement response to family violence task force.

I had the great fortune to serve as a member on the task force, and the recommendations that came out of this diverse collection of stakeholders will have the greatest impact on the law enforcement response to domestic violence since the passage of the family violence prevention and response act back in the 1980's. Components of this policy including the designation of a specialized supervisory officer to oversee each agencies

response, the creation of policies surrounding property retrieval and enforcement of -- of restraining and protective orders and clarification of the laws and guidelines surrounding dual arrests are all foundational components of the best practice law enforcement response to domestic violence.

The DVCC has seen firsthand how the implementation of such policies, impact the community response. For several years now we've enjoyed a very strong working partnership with the Stamford Police Department Special Victim's Unit. Upon the reorganization of that unit several years ago these officers internally developed policies that are much like those recommended by the task force. They provided training and oversight with respect to the proper implementation of these policies, and as a result, the dual arrest rates dropped in our community 20 percent and the community's trust in law enforcement's ability to adequately respond to their concerns and keep them safe has increased tenfold.

A victim of domestic violence should be able to expect the same professional and appropriate response regardless of which law enforcement agency the crime is reported to. By passing the proposed Legislation and mandating the adoption of the task force as model policy, the state goes a long way towards ensuring that a consistent response happens.

On behalf of DVCC I strongly encourage you to adopt the proposed Legislation surrounding the model policy including their creation of the family violence model policy governing council.

Additionally, I would just like to draw your attention to two pieces of written testimony that we submitted. My colleague Kary Burnea was going to be here to testify but given the late hour she couldn't stay. Her testimony is in support of extending the permissible length of restraining orders to one year. Attached to the testimony is a written statement from the victim that we've worked with who is directly impacted the current six month limitation.

The second is in support of granting court based victim advocates at best to non-conviction information which, will significantly enhance the ability of advocates to safety plan with victims. And lastly I would just encourage the committee to consider and support the proposed amendments that were suggested this morning by Office of the Victim Advocate, particularly with respect to Section Six which would, eliminate from eligibility for the family violence education program offenders who are charged with D felonies.

From a practical standpoint the criminal -- the crimes that we see coming in charged on the domestic violence dockets as D felonies are strangulation second, assault second and violations of protective and restraining orders. These crimes indicate either a heightened level of violence or a chronic problem and the nine-week family violence education program is not a sufficient intervention in either of those cases. Thanks.

REP. FOX: Thank you, Andrea. Karen.

KAREN JARMOC: Do we want me to comment or just leave time for questions?

REP. FOX: I think that's great if -- if you want to take any questions. I'm sure -- Senator Kissel.

SENATOR KISSEL: I don't know Karen, you were here all day. You deserve to have your three minutes if you want to be able to testify that's for sure, but at the outset I just want to say to both of you what an honor it was serving on the task, as well. Executive Director Jarmoc, you and Representative Flexer did a fabulous job chairing it, and I think hearing the testimony throughout the day that so many people are in support of all of the recommendations, that's a real testament to how much time and effort went into it. And also, Karen, -- since we last saw each other I think you've gone from Acting Executive Director to full Executive Director, so congratulations --

KAREN JARMOC: Thank you.

SENATOR KISSEL: -- on that great accomplishment. I guess the only little question that I have at -- at this point in time is there has been some recommendations regarding language changes, especially regarding the school aspect. One of the things was not only victim, but parent or guardian that was recommendation of the two young ladies that testified very early today.

And also the previous speaker said they thought that perhaps expanding it beyond schools to add daycares and -- and preschools and things like that, because they want to ambit as wide as possible and just either of you if you have feelings regarding the -- those small changes, how do you feel about that?

KAREN JARMOC: Sure, I would be happy to comment in a few ways. And again, I'm Karen Jarmoc. I'm currently the Executive Director of the Connecticut Coalition Against Domestic Violence which is, the state's leading voice for victims of domestic violence here in Connecticut, and there are 18 programs on the ground doing this important work 24-7 here in our state serving over 54,000 victims of domestic violence in our state annually here in Connecticut.

In response to your question, Senator Kissel, I would say that the judge has the discretion to include in these types of orders different facilities like someone's home, possibly a daycare facility, someone's place of work so, I think that discretion is already there. I'm trying to remember your other question about what was important to us is that the disclosure of -- it was meant to inform universities and schools when there is a protective order in place at the request of the victim and that's really important because there are victims who don't want necessarily the school having that -- that order, but the request of the victim in regards to other aspects I'm not really understanding.

I wasn't here for the previous testimony, but I'm sure Representative Flexer was --

SENATOR KISSEL: Sure, if I could -- I don't know if you were here early this morning because these two young ladies were here really super early in the -- in the proceedings. They were approaching it from a high school point of view and -- and actually Representative Flexer tried to elicit from them why they had a different perspective.

And they said, when you're in high school

young lady or boy, there's so much peer pressure that you technically are the victim, but you might be more embarrassed by the situation or concerned about your peers that, that primary concern as opposed to your well-being. And that they felt, these two young ladies that are high school ladies that had these thoughtful recommendations said, a parent or guardian for a minor should be able to act on the minors behalf because they may make a determination that you know what, the embarrassment may be problematic, but we're worried about your health and well-being and we -- we need to move forward with this with the school system.

And so that was sort of new wrinkle for that -- for minors and they -- and I'm just wondering that's exactly the question I have for you as the Chief Executive --

KAREN JARMOC: Yeah, I think it sounds perfectly reasonable. I don't know if you -- all -- for just your written information, Connecticut actually -- teens in Connecticut are at a higher percentage of being engaged in the teen dating violent relationship than the national average.

So clearly we've done -- issued a teen dating violence act in the spring to address this problem, but anything that we can do to strengthen our systems. I mean, this is what this bill is all about, you know, it's talking about strengthening systems and so absolutely.

SENATOR KISSEL: I appreciate that because we put so much time and effort into this dotting all the I's and crossing all the T's, but they -- they really were pretty darn impressive, and I know that you have a forum and -- and feel that I have every intention of being at unless

Judiciary goes really on Monday, but thank you for all your advocacy both of you and -- and there's no doubt in my mind that this bill will become law this year.

REP. FOX: Thank you, Senator Kissel. Are there any other comments, questions? Representative Flexer.

REP. FLEXER: I'm sorry. I just wanted to just take a brief moment to thank Andrea for all of her hard work, not only on the law enforcement response to family violence task force, but she's been a real partner with us over the last several years in our efforts to reform our safe domestic violence class so thank you.

And of course, thank you to Karen. Karen was our partner here in the Legislator and how she's a tremendous partner as the leader of the Coalition Against Domestic Violence and -- and is the Co-Chair of the task force that really created the bulk of the bill that we're debating here in this public hearing so, thank you both so much for your tremendous work that you do day in and day out.

REP. FOX: And I would also like to thank you both. Karen, congratulations on -- on, your new position. We all know that you did a great job as Acting Director and you're going to do a great job as Director.

And, Andrea, it's been great to see someone else from lower Fairfield County come here, and -- but you're -- you're having a great influence -- you're really doing an excellent job and you're bringing a lot of ideas and experience and -- and it's not only what you see in the courtroom when you're doing your work, but you also bring us experiences that you've learned from other states and how their

practices are -- best practices and it's making our bills better. So thank you very much to the both of you.

ANDREA DAHMS: Thanks so much.

REP. FOX: Okay. Thanks. Anna Doroghazi.

ANNA DOROGHAZI: Good evening, Representative Fox and members of the committee. My name is Anna Doroghazi and I am the Director of Public Policy and Communication at Connecticut Sexual Assault Crisis Services. CONNSACS is a statewide coalition of nine community based sexual assault crisis services programs.

In the last -- in our last fiscal year our advocates throughout the state provided services to over 5,700 victims of sexual violence and their loved ones.

Based on this work, we have submitted written testimony in support of SB 443 AN ACT CONCERNING ILLEGAL ELECTRONIC MONITORING and HB 5548 AN ACT CONCERNING DOMESTIC VIOLENCE.

Rather than review the entirety of our written testimony, I would like to focus my remarks on Section 11 of the domestic violence bill which relates to stalking.

While we support Section 11 of House Bill 5548, we do not believe that it goes far enough to improve Connecticut's stalking statutes, which are outdated and ineffective. The existing statutes were written in 1992 and 1994 and they've never been updated or revised despite our changing understanding of the crime and despite the radical changes in technology that have come about in the years since the bills -- since the statutes were written.

Currently, Connecticut and Alabama are tied for having the nation's oldest unrevised stalking statutes. CONNSACS respectfully asks the committee to consider updates to the stalking statutes beyond what is currently recommended in Section 11 of House Bill 5548.

Attached to our written testimony is possible language for the committee's consideration. It would make three concise improvements to existing statute. First, it would provide protection to victims who, because of their offender's behavior, feel fear not only for their own physical safety, but for the safety of their children, family members and other third parties. Connecticut's current stalking statutes only apply to victims who fear for their personal physical safety.

Second, the language would protect victims who fear that their offender's stalking behavior could threaten their employment. One in eight stalking victims lose time from work due to their victimization, and victims whose stalkers cause workplace disturbances fear that their jobs are at risk.

Finally, and perhaps most importantly our proposed language would address the wide range of behaviors and methods that stalkers use to frighten and alarm their victims. Under current statute the only offender behaviors that are covered are following or lying in wait for a victim. Offenders have numerous means of intimidation and harassment at their disposal. Victims deserve to be protected from all of them.

Stalking is in essence a pattern of behavior or behaviors. The individual actions themselves are not nearly as important as

their accumulative effect and the message that that effect sends to victims. When a stalker leaves gifts on a victim's doorsteps, places notes on her windshield in the grocery store parking lot, calls her at her office and then shows up in the restaurant where she's eating dinner, that stalkers indicating his or her ability to access the victim at any moment wherever he or she may be. The message is more important than the means.

For this reason our proposed language does not specify which behaviors must be repeated to constitute stalking. Instead, we would like for Connecticut to adopt course of conduct guidelines that, instead of focusing on a specific action, focus on the specific intent of the offender.

Such course of conduct or pattern of conduct guidelines are already in place in 44 other states and are included in the National Center for Victims of Crimes Model Stalking Code, on which we partially based the proposed language.

Our written testimony includes numerous statistics related to the prevalence of stalking and the types of behavior that offenders use to cause their victims fear. We hope that the committee will find this information compelling and consider the proposed language that we have submitted. Thank you for your time and consideration.

SENATOR DOYLE: Does the committee have any questions? Senator Kissel.

SENATOR KISSEL: Thank you very much Chairman Doyle. Thank you so much for coming out. You're exactly correct and I think narrowing the stalking definition to the way it is, is

unnecessary. There's an awful lot of things that can be absolutely scary that people can do. I mean, there are some movies that painted some portraits that I'm sure we can all remember that goes beyond what -- what probably be actionable in Connecticut. So in your written testimony you have this specific statutory language you would like to have us adopt and where it would go in the bill?

ANNA DOROGHAZI: Yeah, it would -- if the committee would like, I think it could be inserted in the Section 11 of 5548 and it's the -- the fourth page of our submitted written testimony has the language that -- that we've run through LCO, they didn't see any issues with it. Will Blanchet from the Division of Criminal Justice said that they would be willing to work on tweaking the language with us, if it's something that the committee would be willing to consider.

SENATOR KISSEL: Okay. And Will is a great guy and working with Kevin Kane, because I just think that we have an opportunity now and we may not have this opportunity for another few years and -- and has this been adopted -- this language in other states, or is this just a model that's out there?

ANNA DOROGHAZI: A lot of states have based their existing statutory language on that model, in particular, the piece of our proposed language that references course of conduct. As I -- as I mentioned there are 44 states that talk about course of conduct so instead of saying, a stalker has to engage in a specific behavior or use a specific kind of technology, by saying that if they engage in a repetitive pattern of any behaviors that cause a reasonable person fear, that that would be constituted.

And I think one of the tricky issues of stalking is that a lot of behaviors that lead people to feel fearful are behaviors that in ordinary situations wouldn't necessarily constitute a crime or that shouldn't constitute a crime. That if some -- if I like someone and they send me flowers that's a great thing, but if someone is, you know, leaving me really scary notes one day and then sending me flowers that particular instance even though the specific behavior might not be a criminal violation, it's part of a larger pattern or course of conduct that's causing you to feel fear.

SENATOR KISSEL: No, you're -- you're exactly correct and your points are well taken. It sort of reminds me of the movie Cape Fear where, you know, this guy is just popping up and doing odd ball things, but the ultimate -- we knew where he was going and what the ultimate purpose was, and wasn't good.

So and there's --there's many other theatrical and movie references we could all elude to, but and I appreciate what you're -- what CONNSACS does as far as informing us as to where we should go with these -- these bills so thank you. And thank you for being here all day.

ANNA DOROGHAZI: Thank you for being here all day too.

SENATOR KISSEL: Thank you, Mr. Chairman.

REP. FOX: Thanks. Thank you, Anna for being here as well, and thanks for your testimony. Are there other questions? Okay. Take care.

ANNA DOROGHAZI: Thank you.

State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice
Joint Committee on Judiciary

March 23, 2012

S.B. No. 417: An Act Concerning Juvenile Matters and Permanent Guardianships

H.B. No. 5508: An Act Concerning Misrepresentation of Town of Residency with Respect to School Accommodations

H.B. No. 5512: An Act Concerning the Reporting of a Missing Child

H.B. No. 5546: An Act Concerning Sentence Modification for Juveniles

H.B. No. 5548: An Act Concerning Domestic Violence

The Division of Criminal Justice respectfully offers the following testimony concerning bills on the agenda for today's public hearing:

The Division respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE Report for S.B. No. 417, An Act Concerning Juvenile Matters and Permanent Guardianships. Specifically, the Division requests that the Committee amend Section 15 of the bill to provide for the continued automatic transfer to the adult court of those cases involving serious and violent class B felony crimes Specifically, the Division believes the following crimes must remain subject to automatic transfer: Manslaughter in the First Degree, 53a-55; Manslaughter in the First Degree with a Firearm, 53a-55a; Assault in the First Degree, 53a-59; Assault of an Elderly, Blind, Disabled or Pregnant Person or a Person with Intellectual Disability in the First Degree, 53a-59a; Sexual Assault in the First Degree, 53a-70; Aggravated Sexual Assault in the First Degree, 53a-70a; Kidnapping in the Second Degree with a Firearm, 53a-94a; Burglary in the Second Degree while armed with explosives, a deadly weapon or dangerous instrument, 53a-101 (a)(1); Arson in the Second Degree, 53a-112; Robbery in the First Degree that causes serious physical injury to any person who is not a participant in the crime or when armed with a deadly weapon, 53a-134 (a)(1) and 53a-134 (a)(2). The Division has no objection to the transfer hearing being conducted in the Juvenile Court as long as the finding of probable cause continues to be an ex parte proceeding rather than after a contested hearing requiring witnesses and testimony.

The Division of Criminal Justice respectfully opposes H.B. No. 5508, An Act Concerning Misrepresentation of Town of Residency with Respect to School Accommodations, and would recommend the Committee take NO ACTION on this bill. It is our understanding that the genesis of this bill was a criminal prosecution in Norwalk The bill would reduce the penalty for

intentionally registering a child for school in a municipality where the child does not live without paying the required tuition or other fees. Such conduct constitutes fraud on the municipality and should be treated as such. In the case in question the news media inaccurately and repeatedly reported that the defendant was homeless, while in fact she was not. Given the facts of that particular case, this bill is an overreaction to something that never happened.

The Division of Criminal Justice appreciates the concerns behind H.B. No. 5512, An Act Concerning the Reporting of a Missing Child, but does not believe the bill is necessary since existing law already applies and would in fact allow for stronger penalties. Section 53-21, "Injury or Risk of Injury to, or Impairing Morals of Children," would apply to the conduct proscribed by H.B. No. 5512. A violation of the risk of injury statute is a class C felony, which carries a penalty of not less than one nor more than ten years imprisonment and fine of up to $10,000, as compared to a term of imprisonment of not more than one year and a $2,000 fine for the class A misdemeanor provided for in the bill. The Division certainly understands the concern for children which prompted this legislation, but believes the bill is not necessary given the existing law and its appropriately stronger penalties. Accordingly, the Division respectfully recommends the Committee take NO ACTION on H.B. No. 5512.

The Division of Criminal Justice does not believe H.B. No. 5546, An Act Concerning Sentence Modification for Juveniles, is necessary. The Sentencing Commission already has the authority to examine the sentencing of juveniles who are tried and convicted as adults of serious felony crimes. In fact, the commission has already begun a discussion and the only thing that is clear at this point is that much more research needs to be done. The commission needs to carefully examine the circumstances surrounding all of the cases in question and not simply to base its analysis on anecdotal evidence or incomplete data. With the exception of those convicted of capital felony or murder, all of the affected defendants would be eligible for parole and thus already have a means for reducing the time they remain incarcerated. Again, there is no detailed data on their crimes, the impact of those crimes on the victims of those crimes, the factors considered at sentencing or any other aspects of the case. Should the committee decide that legislation is necessary to direct the Sentencing Commission to examine this issue the Division would strongly recommend that the legislation spell out clearly that the commussion is to undertake detailed research of all cases and that the rights and interests of the victims of these crimes are also taken into consideration. H.B. No. 5546 as now drafted references only those who have committed serious crimes and makes no mention of the innocent victims of their crimes or the impact that sentence modification would have on those victims.

The Division of Criminal Justice supports H.B. No. 5548, An Act Concerning Domestic Violence, and would respectfully recommend the Committee's JOINT FAVORABLE SUBSTITUTE Report for this bill. The Division commends the Speaker's Task Force on Domestic Violence for the tremendous amount of time and effort devoted to examining our state's response to domestic violence. The Division has worked with advocacy groups on several of the issues addressed in the bill, including the proposed revisions to the statutes on stalking. We would again offer our assistance to the Committee as you seek to refine the language. The Division would request that bill be revised to amend subsection (a) of section 53a-40e of the general statutes to eliminate the restriction that limits the issuance of a standing criminal protective order to "a family or household member, as defined in section 46b-38a." The Division is aware of numerous instances where such orders would appropriately be issued against persons other than a family or household member.

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Office of The Attorney General
State of Connecticut

TESTIMONY OF
ATTORNEY GENERAL GEORGE JEPSEN
BEFORE THE JUDICIARY LAW COMMITTEE
MARCH 20, 2012

HB5548

Good morning Senator Coleman, Representative Fox and members of the committee. I appreciate the opportunity to support two important bills being heard by the committee today. The first bill I would like to support today is SB 423, *An Act Concerning Court Fees Paid by the State and Service of Process Requirements in Civil Actions Commenced Against the State by Persons Who Are Incarcerated.* I strongly support this proposal and urge the committee to report favorably upon it.

This bill will incentivize state marshals to effect in-hand service when serving retraining orders in domestic violence cases. Under current law, state marshals have little incentive to effect in-hand service of such orders because state law only permits the Judicial Branch to pay state marshals a prescribed fee upon successful service, regardless of how the orders get served or how many times service is attempted. Marshals, therefore, oftentimes do not attempt in-hand service of restraining orders and, instead, only effect abode service at the last known address of one who is accused of domestic violence. While abode service is legally sufficient service, there is no guarantee that the subject of the restraining order is put on actual notice that a restraining order has issued against him or her. In addition, many courts are unwilling to go forward with applications for restraining orders when in-hand service has not been made and the accused has not appeared in court pursuant to the terms of a show cause order.

This is not merely inefficient and costly for our courts. It also jeopardizes the health and safety of victims of domestic violence. In some instances, perpetrators of domestic violence are not put on notice that an *ex parte* restraining order has issued against him or her. In other instances, restraining orders may not be effectively enforced due to a court's reluctance to go forward with a restraining order proceeding as a result of concerns about whether the accused is aware that a hearing has been scheduled on an application. Meanwhile, violent offenders remain free to terrorize and abuse innocent victims even though there is ample evidence that restraining orders are justified due to the imminent threat such offenders pose.

It is my hope that SB 423 will go a long way toward preventing such tragedies by encouraging state marshals to effect in-hand service of restraining orders. Under this proposal, a marshal will not be entitled to any fees unless he or she first attempts in-hand service and details those efforts in his or her return of service. In addition, marshals will be paid $60.00 for in-hand service and, if in-hand service is attempted but not accomplished, just $30.00 for abode service. This will provide marshals with a strong incentive to both attempt and accomplish in-hand service of restraining orders.

The second thing that SB 423 would do is clarify the manner in which process may be served in civil actions against the State by expressly requiring such service be made at the Hartford office of the Attorney General. Current law merely requires service be made at the Attorney General's office. Because we have many offices throughout the State, civil actions sometimes get served at offices other than our main, administrative office. In such circumstances, the appropriate staff members may not become aware of a lawsuit for a period of time, which can prejudice our ability to defend the suit. In the same vein, this bill also would clarify the manner in which incarcerated persons may file civil actions against the state. Specifically, it permits such persons to send a summons and complaint to my Hartford office by certified mail, return receipt requested. Alternatively, service may be accomplished by an incarcerated person by utilizing Department of Corrections staff designated for that purpose. The staff designated by the Department of Corrections, in turn, may use the state's interagency mail system to deliver the summons and complaint to my Hartford office. These procedures will clarify the manner in which incarcerated persons may serve the state in civil actions and ensure that my office gets timely notice of such suits.

The last thing SB 423 would do is give courts the discretion to refuse to waive court fees and costs of service for indigent parties when the court finds that a lawsuit is frivolous. Access to courts is a cornerstone value of our system of government, and courthouse doors should never be closed to a litigant because of an inability to pay court fees and costs. However, the public need not incentivize or facilitate frivolous litigation by waiving court costs and fees for patently meritless lawsuits. Under present law, filing fees and service of process costs are waived for any indigent litigant's lawsuit, no matter how obviously frivolous. Frivolous lawsuits not only vex public officials and others who are named in them, they place substantial stress on judicial and other public and private resources. Our office handles hundreds of such cases each year filed by prison inmates and others.

The federal judiciary has for many years employed a process for inmate litigation that fairly and effectively balances the right of access to courts with the public's legitimate interest in not funding frivolous lawsuits. The Prison Litigation Reform Act (PLRA), 28 U.S.C. 1915, requires courts to review inmate lawsuits at the time of filing and dismiss them if frivolous or malicious. Two features of this system are commendable. First, as with the present proposal, the screening requirement only applies if a fee waiver is sought – that is, a litigant may file even the most frivolous lawsuit if he or she is willing to pay court costs at the time he or she files a lawsuit. Second, the standard for dismissing a lawsuit as frivolous is substantially higher than merely failing to state a viable claim for relief. Rather, as interpreted by the United States Supreme Court, the PLRA permits dismissal of only those cases that are based on clearly baseless factual contentions or assert indisputably meritless legal theories. I trust that our courts would similarly construe and apply the present proposal if it is enacted.

The second bill I would like to support today is support HB-5548, *An Act Concerning Domestic Violence*. This bill will strengthen the existing protections for victims of domestic violence. Specifically, HB-5548 will lengthen the duration of civil protective orders to one year from the current duration of six months and allow, at the option of a victim of domestic violence, for the distribution of the protective order to public and private institutions of basic, vocational, and higher education. Additionally, the bill adds stalking to its definition of "Family Violence," and expands the definition of "threatening," both of which reduce ambiguity within the current statutory scheme. Finally, the bill includes provisions to include computer or phone-based stalking and threatening as grounds for both obtaining a protective order, as well as for violating

a protective order. Taken together, these provisions will strengthen the existing protective order scheme and help reduce domestic violence.

Our communities are not strangers to domestic violence. Annual reports from the State Police indicate that between 2008 and 2010 the arrest rates for domestic violence instances in Connecticut have risen 5% from 20,000 in 2008 to 21,000 in 2010.[1] Worse, over 10% of the incidents involved minor children, roughly three-quarters of which were "dating age" minors between the ages of 12 and 18.[2] These figures represent an alarming rate of domestic violence incidents, but they merely scratch the surface. These figures do not, and cannot, include the myriad cases that go unreported every year. The statistics are alarming: eighty-five percent of domestic violence victims are female; one in four women will experience domestic violence in her lifetime; and 1.3 million women are victims of physical assault by intimate partners. HB 5548 will help address this epidemic by strengthening our existing domestic violence laws and encouraging victims to come forward and seek protection.

Thank you once again for all of your efforts. I look forward to working with the committee on these important matters.

[1] 2010 is the last year a full report is available

[2] Total incidents involving minors topped 2,100, with dating age making up roughly 1,500

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Connecticut Sexual Assault Crisis Services, Inc.

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Testimony of Connecticut Sexual Assault Crisis Services
In Support of SB 443, An Act Concerning Illegal Electronic Monitoring
In Support of HB 5548, An Act Concerning Domestic Violence
Anna Doroghazi, Director of Public Policy and Communication
Judiciary Committee, March 23, 2012

Senator Coleman, Representative Fox, and members of the Judiciary Committee, my name is Anna Doroghazi, and I am the Director of Public Policy and Communication for Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is the statewide association of Connecticut's nine community-based rape crisis programs. During the last year, advocates throughout the state provided services to over 5,700 victims of sexual violence and their loved ones. Based on this work, we would like to testify in support of SB 443, An Act Concerning Illegal Electronic Monitoring and HB 5548, An Act Concerning Domestic Violence. We would also like to encourage the Committee to expand Section 11 of HB 5548 to update Connecticut's stalking statutes.

CONNSACS supports **SB 443, An Act Concerning Illegal Electronic Monitoring**. As we will discuss below, current Connecticut statutes do not impose criminal penalties on individuals who use GPS and other forms of electronic monitoring to track or monitor another person. We believe that the type of monitoring described in SB 443 jeopardizes an individual's safety and should be subject to criminal penalties.

CONNSACS also supports HB 5548, An Act Concerning Domestic Violence. Sexual assault and domestic violence are distinct crimes, but some sexual assault survivors experience their victimization in the context of a marriage or dating relationship. Some of the changes proposed in HB 5548, An Act Concerning Domestic Violence, would also benefit victims of sexual assault. Specifically, CONNSACS supports the following: extending the duration of restraining orders from six months to one year (Section 1), adding "stalking or a pattern of threatening" to the list of incidents that constitute "family violence" (Section 2), and requiring victims to be notified if their offenders violate their probation (Section 12). While we applaud efforts to extend the duration of restraining orders, we would like to see these be made extended to victims of sexual assault and stalking who are not "family or household members." Many victims of sexual assault and stalking experience harm at the hands of friends and acquaintances rather than family or household members, yet they are still in need of protection.

We also support Section 11 of HB 5548. This section would make a slight change to C.G.S § 53a-181c, which defines stalking in the first degree. Unfortunately, due to the outdated and ineffective nature of Connecticut's existing stalking statutes, a slight change is not good enough. Attached to this testimony is additional language that CONNSACS respectfully submits for your consideration. This language would address two specific flaws in the current statute: the lack of protection for stalking victims who fear for the safety of their children and other third parties, and the limited scope of behaviors that currently constitute a stalking violation.

Connecticut's existing stalking statutes [C.G.S. § 53a-181(c)(d)(e)] are insufficient to protect victims. The statutes were written in 1992 and 1994, and they have never been updated or revised. While many states put their first stalking statutes on the books around the same time as Connecticut, nearly all of them have made changes in the intervening years. Currently, Connecticut is tied with Alabama for having the nation's oldest unrevised stalking statutes.

Stalking is much better understood now than it was in 1992. Since that time, research has revealed the intense psychological, emotional, and financial impact that stalking can have on victims and survivors. Current Connecticut law only applies to victims who feel fear for their personal physical safety, yet we now know that more than half of victims live in fear of their stalker causing harm to themselves, their child, or another family member.[1] We know that nearly one in three victims accrue expenses as a result of being stalked, and one in eight lose time from work.[2] Some offenders prey on their victims in the workplace, making victims fearful that their employment is in jeopardy. Our proposed language would address these very real concerns by expanding the definition of stalking to include victims who fear for the safety of a third party (such as a child, co-worker, partner, or friend) and/or who fear that their job is at risk due to their stalker's behavior.

Perhaps more importantly, our proposed language would also address the wide range of methods and behaviors that stalkers use to frighten and alarm their victims. Currently, the only offender behaviors that constitute stalking under Connecticut statute are "willfully and repeatedly following or lying in wait" for a victim. The stalking statutes, therefore, do not apply to offenders who:

- Use GPS or other electronic devices to track a victim's movements
- Repeatedly call, text, email, or send letters to a victim, even if the victim has previously indicated that such communication is unwanted
- Repeatedly leave unwanted objects and presents for a victim
- Cause repeated disturbances that may jeopardize a victim's employment
- Engage in a varied course of conduct that may involve leaving notes one day, sending flowers the next day, and sending hundreds of text messages the following day

In November of 2011, the Centers for Disease Control and Prevention released the results of the National Intimate Partner and Sexual Violence Survey, a nationwide survey completed by over 16,000 adults from all fifty states. The survey included questions about stalking victimization and found that 1 in 6 U.S. women and 1 in 19 U.S. men had, at some point in their lives, experienced stalking victimization that made them fearful or caused them to believe that they or someone they loved would be hurt or killed.[3] The survey also gathered data about the stalking behaviors and found that, "repeatedly receiving unwanted telephone calls, voice, or text messages was the most commonly

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[1] Katrina Baum et al , (2009) "Stalking Victimization in the United States," Washington, DC Bureau of Justice Statistics
[2] *ibid*
[3] Black, M C , Basile, K C , Breiding, M J , Smith, S G , Walters, M L , Merrick, M.T , Chen, J , & Stevens, M R. (2011). "The National Intimate Partner and Sexual Violence Survey (NISVS) 2010 Summary Report." Atlanta, GA National Center for Injury Prevention and Control, Centers for Disease Control and Prevention

experienced stalking tactic for both female and male victims of stalking (78.8% for women and 75.9% for men)." Further:

- 43.5% of offenders approached their victim or showed up in the same location
- 31.0% of offenders watched or followed their victim
- 16.6% of offenders snuck into the car or home of their victim
- 12.3% of offenders sent their victims unwanted emails or messages
- 11.6% of offenders sent unwanted gifts
- 9.0% of offenders left strange items for their victims to find

Additional research has shown that 78% of stalkers use more than one means of approach in the process of stalking their victims.[4]

Offenders have numerous means of intimidation and harassment at their disposal; victims deserve to be protected from all of them. Stalking is, in essence, a pattern of behavior or behaviors – the individual actions themselves are not as important as their cumulative effect and the message that they send to victims. When a stalker leaves a "gift" on a victim's doorstep, places a note on her windshield in the grocery store parking lot, calls her place of employment, and then shows up at a restaurant where she is eating dinner, he is indicating his ability to access the victim at any moment, wherever she may be. The message is more important than the means.

For this reason, our proposed language does not specify which behaviors must be repeated to constitute stalking: instead, we would like for Connecticut to develop "course of conduct" guidelines that, instead of focusing on a specific action, focus on the intent of the offender. Such "course of conduct" or "pattern of conduct" guidelines are already in place in 44 other states and are recommended in the National Center for Victims of Crime's Model Stalking Code (on which we partially based our proposed language).

There are strong connections between stalking and sexual violence. Some sex offenders monitor or follow their victims prior to an assault, and others repeatedly contact their victims after an assault has taken place. Similarly, some stalkers use sexual violence or the threat of sexual violence to control and intimidate their victims.

CONNSACS hopes that the Committee will see the urgency with which our existing stalking statutes must be revised. We appreciate the opportunity to share our thoughts on this important legislative issue, and we hope that you will carefully consider our proposed language for Section 11 of HB 5548.

Thank you for your time and consideration.

Anna Doroghazi
anna@connsacs.org

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[4] Kris Mohandie et al ,"The RECON Typology of Stalking Reliability and Validity Based upon a Large Sample of North American Stalkers," *Journal of Forensic Sciences*, 51, no 1 (2006)

CONNSACS respectfully submits the following language to expand Connecticut's stalking statutes:

(NEW) (***Effective October 1, 2012***) **Definitions.** As used in this part the following terms have the following meanings:

(1) "Course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communicates with, or sends unwanted gifts to, a person, or interferes with a person's property.

Section 53a-181c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) A person is guilty of stalking in the first degree when he commits stalking in the second degree as provided in section 53a-181d and (1) he has previously been convicted of [this section or] a violation of section 53a-181d, or (2) such conduct violates a court order in effect at the time of the offense, or (3) the other person is under sixteen years of age.

(b) Stalking in the first degree is a class D felony.

Section 53a-181d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) A person is guilty of stalking in the second degree when [he, with intent to cause another person to fear for his physical safety, wilfully and repeatedly follows or lies in wait for such other person and causes such other person to reasonably fear for his physical safety.] such person knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to:

(1) fear for his or her safety or the safety of a third person; or

(2) fear that such person's employment, business or career is threatened, where such conduct consists of appearing at, telephoning to or initiating communication or contact at such other person's place of employment or business, and the actor was previously clearly informed to cease such conduct

(b) Stalking in the second degree is a class A misdemeanor.

Section 53a-181e of the general statutes is repealed. *(Effective October 1, 2012)*

Written Testimony for the Record Submitted by
Brian Sullivan
Director of Policy
Connecticut Coalition Against Domestic Violence

Submitted to the
Joint Committee on Judiciary

Hearing on
H.B. No. 5510 (RAISED) AN ACT PROVIDING NOTICE OF PENDING FAMILY RELATIONS MATTERS TO JUDGES IN FAMILY VIOLENCE CASES
and
HB No. 5548 (RAISED) AN ACT CONCERNING DOMESTIC VIOLENCE

Hearing Held March 23, 2012
Written Testimony Submitted March 23, 2012

Co-Chairman Coleman, Co-Chairman Fox and Members of the Committee,

I am pleased to have the opportunity to present testimony today on behalf of the Connecticut Coalition Against Domestic Violence (CCADV) on Bill #5510: An Act Providing Notice of Pending Family Relations Matters to Judges in Family Violence Cases and on Bill #5548, An Act Concerning Domestic Violence.

I commend you, Co-Chairmen Coleman and Fox and the entire Committee for holding this important hearing, which provides a useful forum to examine the need for additional protections for victims of domestic violence in the state of Connecticut and the need for updated definitions for stalking which will bring Connecticut up to speed with the rest of the nation.

I work as the Director of Policy for CCADV, the leading voice of domestic violence victims across the state, and the statewide representative of its 18 member organizations, who work to provide counseling, support services and safe accommodations for victims and their children We at CCADV work tirelessly to change social conditions through advocacy, public awareness, technical assistance and education

First, if HB5510 is passed, it will provide for increased collaboration on domestic violence issues between different sectors of the Judicial Branch by requiring that judges in criminal family violence cases be given a report indicating whether the same parties are also involved in a family relations dispute. This information would be extremely valuable to family violence judges who need to take victim safety into account when issuing orders and handing down sentences

When the status of a relationship changes as a result of legal action - such as divorce proceedings, child custody disputes and civil restraining order applications - the victim is in a significantly elevated amount of danger from the abuser. By having access to this information regarding the status of concurrent family relations cases, judges in family violence cases will be able to make decisions that will keep victims and their minor children safer.

Secondly, with regard to HB5548, Connecticut's stalking statutes need to be updated to include a wider range of offender behaviors Currently, the crime of stalking is limited to offenders who repeatedly follow or lie in wait for their victims, but we know that stalkers use a much wider range of behaviors and means to track, intimidate, and frighten their victims. They may send flowers one day, leave voicemails the next day, and physically follow the victim the following day Stalkers should be held accountable for their entire course of conduct, however varied it may be. Connecticut's stalking statutes are not currently flexible enough to cover new technologies - such as GPS, cell phones and the Internet - that offenders use to stalk their victims.

Section 2 of HB5548 would add "stalking or a pattern of threatening" to the definitions for family violence, which makes perfect sense, as the two often go hand in hand. In addition, Section 11, as drafted, would now provide that a person who has been previously convicted of stalking in the third degree can have a subsequent second degree stalking charge elevated to the offense of stalking in the first degree. While this is an improvement, the Committee should consider alternative language during the amendment process that eliminates stalking-third and refocuses the stalking-second language on a course of conduct by the offender which causes the victim to fear for his/her physical safety or employment security This language has already been drafted by CONNSACS and stalking victims would benefit greatly from its adoption. The "course of conduct" approach is currently used by 44 other states – Connecticut should ameliorate its position as one of the stragglers.

CCADV stands ready to support HB5510, and HB5548 with the suggested amendments, as well as any other legislative measures that can improve safety and services for victims of domestic violence. We invite the Committee to reach out to CCADV for expertise on all legislation that potentially impacts the rights of these victims and look forward to a close working relationship in the future.

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Testimony of
The Permanent Commission on the Status of Women
Before the
Judiciary Committee
March 23, 2012

Re: H.B. 5535, AAC Continuation of Health Insurance Coverage after a Divorce or Legal Separation
H.B. 5548, AAC Domestic Violence

Senators Coleman and Kissel, Representative Fox and Hetherington, and members of the committee, thank you for this opportunity to provide testimony on behalf of the Permanent Commission on the Status of Women (PCSW) regarding the above referenced bills.

H.B. 5535, AAC Continuation of Health Insurance Coverage after a Divorce or Legal Separation

H.B. 5535, would allow the Court to order a party who is insured under a group health insurance policy or plan in the state to maintain health benefits for the benefit of the other party. This bill is significant for women because they are likely to be covered under their husband's health insurance policy.

According to a study by the University of Michigan, this is due in part to women's higher likelihood relative to men to work part-time, or in low-wage occupations, non-union setting, or smaller companies[1]. The study also found that if health insurance coverage is terminated post-divorce it has a long-term impact on a woman's economic and physical health. Rates of insurance remain depressed for divorced women for two years after their divorce has been finalized. This means that many women likely delay getting the health care they need due to cost or face significant challenges in paying their medical bills (potentially leading to an increase in medical debt). PCSW supports efforts to ensure that all women have access to comprehensive health insurance coverage.

H.B. 5548, AAC Domestic Violence

H.B. 5548 would implement the recommendations of the legislative task force on domestic violence. PCSW supports many of the concepts, and would like to highlight two specifically: 1) increasing the allowable duration of restraining orders from 6 months to 12 months, and, 2) investigating the feasibility of redesigning the state-wide emergency 9-1-1 system in a manner that allows individuals to send a text message when in an emergency situation. Both of these recommendations would go a long way in supporting and protecting victims of domestic violence.

[1] University of Michigan, Divorce and Women's Risk of Health Insurance Loss in the US, March 2011

18-20 Trinity St., Hartford, CT 06106 • phone: 860/240-8300 • fax: 860/240-8314 • email: pcsw@cga.ct.gov • web: www.cga.ct.gov/pcsw

Domestic violence is an on-going problem – we cannot predict when or where it will occur. It is also a problem that disproportionately affects women. 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.[2]

PCSW applauds the committee's attention to these matters.

[2] Lawrence A. Greenfeld 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. US Department of Justice. NCJ # 167237.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 15
4669- 5003

2012

To the Judiciary Committee:

I am writing on behalf of HB 5548, AAC Domestic Violence legislative recommendations of the LERFV Task Force, as well as some additional proposals from the Speaker's Task Force on Domestic Violence

My name is Alvin Ainsley Notice, of 282 Pleasant Street Lunenburg, MA 01462. I want to tell you about my daughter Tiana Angelique Notice who died as a result of Domestic Violence. And as a result of her death I have spent the last three years helping to change the DV laws in the State of Connecticut.

I would ask that you consider voting on the uniform law as it relates to Law enforcement and the enforcement of the Domestic Violence laws in Connecticut. My daughter Tiana was killed four and half hours after leaving the Police Station in Plainville CT, where she lived while attending University of Hartford. She was given false promises by the police and only to be stabbed to death by her ex-boyfriend as she tried to enter her home. I will never forget what I saw when I looked at her laying on the gurney with her chest cavity open and stabbed wounds all over her body.

That night will live with me forever, I now ask you as Fathers, Mothers, Uncles and Aunts never to allow her to die in vain, and by not voting for this bill that's what will happen. Vote yes allows Tiana and other domestic violence victims memories to live on.

James Cater was sentence to 60 years in prison for Tiana's murders and I am glad justice is served to Tiana and the other females he harassed along the way.

I am now asking the Representatives and the Senators to unanimously pass this bill in the House and Senate, making all the victims of domestic violence much safer as they struggle to get their cases addressed within the Judicial System.

Please leave the task force recommendations in tact and not allow any agency to add a "misdemeanor" restraining order class for "technical violation" there is no such thing as a technical violation when we are dealing with peoples lives.

Please review our website to see the work we have been doing, I look forward to your assistance in changing the laws in Connecticut.
http://tiananoticefoundation.org

Thank you.

Sincerely,

Alvin A. Notice

978-696-7360

CONNECTICUT POLICE CHIEFS ASSOCIATION
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March 23, 2012

Testimony presented to the Joint Committee on Judiciary

Chief Anthony Salvatore and Chief Matthew Reed for the Connecticut Police Chiefs Association

The Connecticut Police Chiefs Association (CPCA) represents all municipal police departments in Connecticut as well as police departments at private and state universities.

The Connecticut Police Chiefs Association **SUPPORTS** H.B. 5548, AAC Domestic Violence.

Members of CPCA participated in and worked collaboratively with other members of the Speaker's Task Force on Domestic Violence. CPCA supports the recommendations of the Task Force and believes that continually reviewing and updating the statewide model policy will assist in guiding Connecticut's law enforcement agencies in their response to incidents of domestic violence and ultimately help to better protect victims of such violence.

Connecticut law enforcement recognizes that acts domestic violence are serious crimes and must be investigated and acted upon with due diligence and promptness. Offenders and victims must be separated and every effort must be made to protect the victim and other family members from further harm.

Connecticut law enforcement understands that crimes of domestic violence are different from other crimes in that victims are often hesitant to come forward. Children and other family members are often unable to protect themselves; feel intimidated or threatened and often unable to reach out and seek help.

It should be noted that the CPCA also supported **H.B. 5023,** AAC Arrest Powers of Local Police Officers and Motor Vehicle Inspectors. This proposed statutory amendment would give local police officers the authority to cross local jurisdictional boundaries and make a custodial arrest of an offender for a non-felony offense and further assist in protecting victims of domestic violence. Without the passage of HB 5023, domestic violence victims may be left in harm's way as police are unable to take a non-felony offender into custody but instead must retreat and obtain an arrest warrant.

The Connecticut Police Chiefs Association supports H B 5548, AAC Domestic Violence and supports the further protection of crime victims and the rapid apprehension of offenders.

END

Date: March 23, 2012

To: Senator Coleman, Representative Fox, and members of the Judiciary Committee

Re: Support for An Act Concerning Domestic Violence (Raised Bill No. 5548): Non-Conviction Information to Victim Advocates

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The DVCC is a member of the Connecticut Coalition Against Domestic Violence and provides direct services annually to over 4,000 victims of domestic violence across seven communities in mid-Fairfield County. We are contracted by the State to provide court based victim advocacy in both the Stamford and Norwalk Courts. In 2011, these advocates provided safety planning services and advocacy in over 2,000 criminal court cases.

Given the prevalent use of diversion in domestic violence criminal cases across the State, many offenders receive nolles and dismissals for their first and sometimes second offenses and come through the criminal court for that second or third crime without a prior "criminal record" that is available to the public. A pattern of abuse is a significant lethality indicator. Prior police and/or court involvement is essential for court based victim advocates to effectively perform the task that the State has contracted us to provide, and the DVCC strongly supports the proposed legislation that would enable court based victim advocates, under a non-disclosure agreement with the Judicial Department, to obtain access to this information.

Without sharing such information with the victim, merely having an awareness of past police and court involvement better critically informs an advocate's efforts to safety plan and effectively advocate for the safety of the victim. Such information is rarely able to be obtained from victims themselves, and what is obtained from victims is often inaccurate, for a variety of reasons, the most prevalent two being that the victim is unaware of the history as a result of: (1) an offender having lied about the substance of any previous actions that were taken by the police and/or the court; and (2) the previous incident(s) were with other victim(s) and the present victim was never informed about it.

Where there is a history and/or pattern of violence, an advocate will be much more aggressive in their efforts to engage the victim in a more intensive safety planning process. Our advocates are trained to be able to engage in this type of safety planning and advocacy without revealing confidential information. The main function of our jobs is to advocate successfully on behalf of a victim without disclosing certain confidential information that we are provided by them.

Victim advocates are contracted by the State to provide direct services and advocacy for victims of domestic violence. We are from community programs because the State has recognized the benefit of having such a specialization and connection to the community programs in the context of domestic violence. However, these advocates are, for all intents and purposes, court personnel, many with office space within the walls of the courthouses, and are critical members of the domestic violence court teams. The proposed amendment would officially sanction the access of court based advocates to critical information that will help us keep victims of domestic violence safer, and for that reason, the DVCC strongly encourages you to pass the proposed legislation.

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CHIEF PUBLIC DEFENDER

Testimony of Michael Alevy, Assistant Public Defender
Office of Chief Public Defender

Raised Bill No. 5548
An Act Concerning Domestic Violence

Judiciary Committee Public Hearing
March 23, 2011

Raised Bill 5548, An Act Concerning Domestic Violence, seeks to implement the recommendations contained in the current reports of both the ***Speaker's Task Force on Domestic Violence*** and the ***Task Force on Law Enforcement Response to Family Violence.*** Each report reflects ongoing efforts to examine and shape the public policy and legislation related to Connecticut's response to the serious issue of incidents of domestic violence. The Office of Chief Public Defender (OCPD) acknowledges the substantial efforts of both of these groups and significant legislative changes proposed in the raised bill. As a member of the ***Law Enforcement Response Task Force,*** OCPD would like to thank co-chairs, Representatives Mae Flexer and Karen Jarmoc, for their leadership and acknowledge the other members of the task force for their hard work. While OCPD supports the recommendations of the ***Law Enforcement Response Task Force*** that have made their way into this bill, our Office has concerns with the implementation and impact of several sections of this bill.

The Office of Chief Public Defender opposes the changes found in **Section 6** of the Raised Bill and believes that such changes are unnecessary and will result in unintended negative consequences affecting courtroom practice. The bill adds language that appears to alter the eligibility criteria for entry into the Family Violence Education Program, (FVEP) by precluding offenders charged with *"an offense which **involves** the infliction of serious physical injury, as defined in section 53a-3"* of the statutes from program participation. The existing statute already adequately ensures that the FVEP is only granted in appropriate cases. Few, if any offenders whose conduct causes or results in "serious physical injury", are being granted the FVEP.

Under the existing law, an offender charged with any class A, B, or C felony is precluded from using the FVEP. An offender charged with a class D felony is required to make a showing of good cause before the program is granted. Most importantly, the court has the ultimate discretion to grant admission into the program in any case, even if the offender is charged with only a misdemeanor.

This bill introduces a requirement that the court conduct some type of inquiry into the existence of "serious physical injury" when considering an application to the FVEP. This will only serve to necessitate additional legal proceedings which may involve testimony that are not needed to make sound judgments related to FVEP use.

C.G.S. §53a-3(4) defines "serious physical injury" as a 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. Our statutes also separately define "physical injury" as an impairment of physical condition or pain, C.G.S. §53a-3(3) Beyond these basic definitions, one must examine existing case law to determine what distinguishes "physical injury" from "serious physical injury".

Whether or not a "victim has suffered a "serious physical injury" within the meaning of C.G.S. §53a-3(4) is a question of fact for the jury . . . *State v. Almeda, 211 Conn. 441 (1989).* In 2009, in ***State v. Ovechka, 292 Conn. 533,*** our Supreme Court confirmed this noting that the nature of the inquiry regarding "serious physical injury" is "fact intensive" and "[g]iven the difficulty of drawing a precise line as to where 'physical injury' leaves off and 'serious physical injury begins' we remain mindful that '[w]e do not sit as a thirteenth juror who may cast a vote against the verdict based upon our feeling that some doubt of guilt is shown by the cold printed record'." *Ovechka at 547* [1]

This conclusion has serious implications for the issue of FVEP eligibility. It is easy to imagine the need for the court to undertake time consuming hearings verging on mini-trials when determining the existence of "serious physical injury" in these cases. Arguments by counsel with respect to the issue are inevitable as counsel will be ethically obligated to brief and argue this issue as it arises when seeking admittance to the FVEP.

The fact is that the court need make no such "fact intensive" inquires when considering FVEP applications using the current "good cause" standard[2]. There are only two FVEP eligible charges that contain, as an element, the resulting infliction of "serious physical injury"[3]. In the case of other class D felonies which contain no element related to injury, the courts routinely examine all the facts and circumstance related to that particular case when considering FVEP eligibility The "good cause" argument required by the current statute is a matter of regular

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[2] The term "good cause" is used in all areas of the law and the definition is usually left to its common understanding and usage. That common understanding and usage is articulated in Black's Law Dictionary (9th Ed. 2009) as "[a] legally sufficient reason. *State, Swoverland, 2011 Conn Super LEXIS 2342 (Conn Super Ct Aug 31, 2011)*

[3] §53a-60, et.seq, Assault 2nd degree and §53a-61, Assault 3rd degree

courtroom practice. It requires that courts use common sense when considering supported facts and overarching policy considerations. It also permits the court to consider the input of victims and take into account victim and public safety. It is the experience of the attorneys of the Division of Public Defender Services that while the granting of FVEP and other diversionary programs is a frequent part of our daily dockets, the determination of eligibility and suitability is, appropriately, a contentious and highly scrutinized process.

As a final note, if section 6 of the proposed bill retains the current language, we would propose a minor change. We would recommend substitute language that uses either the word "cause" or "result" instead of the word "involves" in line 234. This change would create language that is more consistent with relevant and existing statutes.[4]

[4] See, *C G S §53a-59, Assault in the first degree* " . . he **causes** such injury . . ." and §53a-59c, *Assault of a pregnant woman* . . "(2) such assault **results** in . ." See also §53a-60, §53a-61, Assault 2nd degree and Assault 3rd degree, using the word "**causes**".

Testimony by Steven Weinberger
Board of Regents for Higher Education
ConnSCU
Before the Joint Committee on Judiciary
March 23, 2012

Good morning, Senator Coleman, Representative Fox, and members of the Joint Committee on Judiciary. For the record, I am Steven Weinberger, Vice President for Human Resources at the Board of Regents for Higher Education. Since January 1, 2102, the Board of Regents has been responsible for the governance of Connecticut's four State Universities, twelve Community Colleges, and Charter Oak State College. I am here today to speak on behalf of all seventeen Board of Regents institutions and President Robert Kennedy.

Thank you very much for the opportunity to testify on House Bill 5548, *An Act Concerning Domestic Violence.* The Bill enjoys the full support of the Board of Regents because it recognizes that victims of domestic violence may in fact be enrolled at any of our seventeen institutions and, that in order to prevent incidents of domestic violence from occurring on campus, it is essential that these institutions be notified of any protective orders that have been issued by Connecticut courts. Specifically, I draw your attention to Sections 3 and 4 of the Raised Bill where this new language appears.

In order to derive the maximum value from this new provision, the Board of Regents suggests that the text of the Bill be revised so that notice of any protective order is transmitted directly to the President of the institution at which the victim is enrolled. By directly engaging the President, this revision will ensure that the intent of the House Bill is fully operationalized.

Colleges and Universities are large, complex organizations where duties and responsibilities are often shared and, as the chief administrative officer on campus, the President is best positioned to effectively follow-up with faculty and staff who have the need to know of the issuance of a protective order. In the judgment of the President, those with a need to know could conceivably include teachers, counselors, security, police, resource centers, residence hall advisors, and threat assessment team members. As revised, the Bill will compel the participation of campus Presidents in these critical matters. I would also note that this clarification is supported by the Connecticut Conference of Independent Colleges (CCIC). To this end, I have attached to my written testimony draft language for the consideration of your Committee.

Thank you for giving me the opportunity to speak today and I would be happy to answer any questions you may have.

Proposed Amendment to HB 5548, *An Act Concerning Domestic Violence*

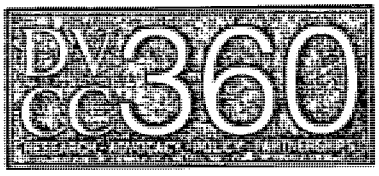
Sec. 3. Subsection (d) of section 46b-38c of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(d) In all cases of family violence, a written or oral report and recommendation of the local family violence intervention unit shall be available to a judge at the first court date appearance to be presented at any time during the court session on that date. A judge of the Superior Court may consider and impose the following conditions to protect the parties, including, but not limited to: (1) Issuance of a protective order pursuant to subsection (e) of this section; (2) prohibition against subjecting the victim to further violence; (3) referral to a family violence education program for batterers; and (4) immediate referral for more extensive case assessment. Such protective order shall be an order of the court, and the clerk of the court shall cause (A) a copy of such order to be sent to the victim, and (B) a copy of such order, or the information contained in such order, to be sent by facsimile or other means within forty-eight hours of its issuance to the law enforcement agency for the town in which the victim resides and, if the defendant resides in a town different from the town in which the victim resides, to the law enforcement agency for the town in which the defendant resides. If the victim is employed in a town different from the town in which the victim resides, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such order, or the information contained in such order, to the law enforcement agency for the town in which the victim is employed [within] not later than forty-eight hours [of] after the issuance of such order. If the victim is enrolled in a public or private elementary or secondary school, including a regional vocational technical school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such order, or the information contained in such order, to such school or **PRESIDENT OF THE** institution of higher education, or the special police force established pursuant to section 10a-142, if any, at the institution of higher education at which the victim is enrolled.

Sec. 4. Section 54-1k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) Upon the arrest of a person for a violation of subdivision (1) or (2) of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a, or any attempt thereof, or section 53a-181c, as amended by this act, 53a-181d or 53a-181e, the court may issue a protective order pursuant to this section. Upon the arrest of a person for a violation of section 53a-182b or 53a-183, the court may issue a protective order pursuant to this section if it finds that such violation caused the victim to reasonably fear for his or her physical safety.

Such order shall be an order of the court, and the clerk of the court shall cause (1) a copy of such order or the information contained in such order to be sent to the victim, and (2) a copy of such order, or the information contained in such order, to be sent by facsimile or other means [within] not later than forty-eight hours [of] after its issuance to the law enforcement agency or agencies for the town in which the victim resides, the town in which the victim is employed and the town in which the defendant resides. If the victim is enrolled in a public or private elementary or secondary school, including a regional vocational technical school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such order, or the information contained in such order, to such school or **PRESIDENT OF THE** institution of higher education, or the special police force established pursuant to section 10a-142, if any, at the institution of higher education at which the victim is enrolled.



Date: March 23, 2012

To: Senator Coleman, Representative Fox, and members of the Judiciary Committee

Re: Support for An Act Concerning Domestic Violence – Increasing Length of Civil Restraining Orders
Raised Bill No. 5548

My name is Carrie Bernier, Director of Court and Legal Advocacy for the Domestic Violence Crisis Center. As a member program of the Connecticut Coalition Against Domestic Violence, the DVCC serves more than 4,000 domestic violence victims annually across seven communities in mid-Fairfield County.

In response to a growing need for civil legal services within our communities, my unique role at the DVCC is to provide full time assistance and representation to those victims seeking restraining orders against their abusers. DVCC has been providing this service to victims for the last two years, and to my knowledge, is the only organization, public or private, that has a full time attorney dedicated to this specialization. It with this background, that I strongly urge you to support the proposed amendment to § 46b-15, which would extend the permissible length of Connecticut's Civil Restraining Order to one year instead of six months.

In 2011 alone, the DVCC provided consultation, assistance and/or representation to over 170 individuals seeking to obtain a restraining order against their abuser. Overwhelmingly, my clients would seek a full year restraining order if the statute so allowed. In fact, many are quite disheartened to find out that they can only secure court ordered protection for six months at a time. I have assisted several victims in seeking extensions of their restraining orders in the last six months alone. These extensions proceedings, and the fact that they must be initiated only five months after the original order is granted, are very traumatizing and burdensome for victims. I have provided written testimony from one such victim that I personally worked with as a supplement to my own remarks. She was abused for years by her husband. When she finally made the decision to leave, she obtained a restraining order. He violated this restraining order by coming to her home and bringing a firearm with him. Her restraining order was due to expire while he was in prison awaiting trial for the violation of that order and she had to go through the process of facing him yet again to get an extension of that order for an additional six months. She is one of many victims in Connecticut who share similar experiences.

I would also direct your attention to DVCC360's January Edition of our VERVE newsletter, which critically compares the restraining order protections available in Connecticut to those available in other states around the country. As you can see, Connecticut is one of only four states that does not currently offer at least the option of a one year restraining order. In fact, more than half of the states allow a victim of domestic violence to obtain a restraining order for up to two years.

The civil restraining order is a critical safety tool for victims. The proposed amendment would significantly enhance this protection, and on behalf of DVCC, I strongly encourage you to support it.

HB5548

March 22, 2022

My name is Jeannie Calcano. During my marriage, I was subjected to abusive behavior that severely negatively impacted my life. My ex-husband was verbally, emotionally and sexually abusive. He was extremely jealous and controlling. My ten-year relationship with him was a nightmare filled with fear, abuse, dysfunction, shame and pain.

One of the most difficult moments in my life was last March, walking into the Domestic Violence Crisis Center (DVCC) and asking for help. I was walking around in a trance, in disbelief of what my life had become; the danger I was in and by taking a stand, I was in essence, risking my life even more. After I told my ex-husband to stay away from me and I was filing for divorce, I went into hiding for my safety. He threatened me and others if they didn't reveal my whereabouts. I filed police reports and met with the Domestic Violence Unit at Stamford Police Dept. (CT), that felt obtaining a restraining order was clearly necessary. With the help of the legal staff at DVCC, I prepared and presented the required paperwork for a restraining order to the court. The judge denied the order. I was devastated, terrified and confused at how all the signs of what he is capable of could be ignored. The next day, I went to see my attorney, back to meet with the attorneys at DVCC and then back to court again. Thank God, this time it was granted.

I was at work the day my ex-husband was arrested. He entered my home and tripped the alarm. The police came in response to the alarm. He fled into the woods surrounding my home. He was captured after sending the police on a wild chase; they had to bring in a canine unit to track him through the swamp and woods.

When the police went through my home, they found a shotgun on my kitchen counter. This was not ever in my home. What was it doing there? What would have happened if there was no restraining order in place? ***I shudder at the thought.***

My ex-husband spent 7 months in jail for violation of the restraining order and other charges. The judge set a $50,000 bond. While in jail, he went on a hunger strike, threatened suicide and underwent psychiatric evaluation. The mother of his children called the warden pleading with him to stop my ex-husband from sending damaging letters to their children, where he threatened to kill himself if they didn't come bail him out of jail. During this time, the restraining order was close to expiration. I was told by the clerk the order would automatically be reissued, since the respondent was in jail for violating the original order about to expire.

The judge ordered that my ex-husband be present in order to renew the restraining order and he be brought in from jail. I was shocked, terrified and anguished at the thought that I would have to be in the same court room with him again. The restraining order expired after only a few months and I wondered why this process is not geared toward adequately assisting the victim, allowing enough time to heal and address the crisis unfolding in their lives. It is impossible to articulate the mindset, the burden, heavy heart, despair and pain that someone endures in an abusive relationship and how difficult it is to come out of it.

Please consider the impact on the lives of the women and children trying pull themselves up out of anguish - this takes more than a few months. Having to go through the shock each time of facing your abuser is equally as traumatic. If the original order I filed had not been granted, I may not be sitting in front of my computer pouring myself into this statement in hopes that those reading it can, somehow, grasp the concept of how difficult this process truly is.

Permitting victims a full year would enable the time necessary to allow the healing process to take place. Allowing sufficient time to relocate, organize, protect, reassess and most importantly begin to LIVE and to HEAL.

Thank you for your time and consideration.

Sincerely,

Jeannie Calcano

DVCC360
RESEARCH • ADVOCACY • POLICY • PARTNERSHIPS

A Monthly Newsletter of the DVCC360 Project

Verve

January 2012 • Vol 2 No 1

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The Need to Overhaul Connecticut's Civil Restraining Order

A NATIONAL PERSPECTIVE

Connecticut is one of only four states that does not permit civil court judges to issue an initial restraining order for at least a one year period.

Less than 1 Yr: 4 states
Connecticut, Hawaii, New Mexico, West Virginia.

Up to 1 Yr: 19 states
Alaska, Arizona, District of Columbia, Georgia, Idaho, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, Oregon, South Carolina, Tennessee, Vermont, Wyoming.

Up to 2 Yrs: 7 states
Delaware, Illinois, Indiana, Maine, Minnesota, Texas, Virginia.

Up to 3 Yrs: 6 states
Kentucky, Mississippi, Oklahoma, Pennsylvania, Rhode Island, Wisconsin.

Up to 5 Yrs: 4 states
California, New York, Ohio, South Dakota.

More than 5 Yrs: 10 states
Alabama, Arkansas, Colorado, Florida, Michigan, Montana, New Jersey, North Dakota, Utah, Washington

When Connecticut's 2012 Legislative Session begins in February, DVCC360, along with the Connecticut Coalition Against Domestic Violence and its member programs, will seek to have Connecticut's restraining order statute (C.G.S § 46b-15) amended to permit judges to issue civil restraining orders for up to one year, instead of limiting these orders to a mere six months.

EXTENDING THE PERMISSIBLE LENTH OF RESTRAINING ORDERS IS LONG OVERDUE

Every state across the country has a law that allows a victim of domestic violence to apply for an emergency/ex parte order of protection through the civil court and then to have that emergency/ex parte order extended for a longer term. Connecticut is one of only four states that limit this longer term to less than a one year period.[1] Every other state allows for a period of at least one year.[2] In fact, more than half of the states expressly authorize a civil court to issue a restraining order for up to two or more years.[3]

Under C.G.S. § 46b-15, Connecticut judges are currently limited to issuing an order that lasts for 180 days (effectively 6 months). To obtain an extension, the victim must file an application and serve the abuser before the original order expires. This means that, in Connecticut, a victim must start the re-application process only five months after the hearing at which it was originally granted, and must confront their abuser every six months. This is incredibly burdensome for victims, both emotionally and logistically, as well as for our civil court system.

By issuing restraining orders for a full one year term, the civil court is likely to see a decrease in motions to extend these orders, which translates to fewer court hearings and less paperwork for our civil clerks to process. Not only does the proposed change decrease the burden on victims of domes-

1 Connecticut, see C G S § 46b-15, Hawaii, see H.R S §§ 586-5, 586-5 5 New Mexico, see N M S A § 40-13-6, and West Virginia, see W. Va Code § 48-27-403

2 Alaska, see A S § 18 66 100(b), Arizona, see A.R S § 13-3602(k), District of Columbia, see D C. Code § 16-1005(d), Georgia, see O C G A § 19-13-4(c), Idaho, see I C § 36-6306(1), Iowa, see I A St § 236 5(2), Kansas, see Kansas Code § 60-3107(6), Louisiana, see L A R S § 2136(F), Maryland, see M D Code § 4-506, Massachusetts, see M G L A 209A § 3, Missouri, see Mo St § 455 050 Nebraska, see Neb Rev St § 42-925(4) Nevada, see N R S § 33 080, New Hampshire, see N H Rev Stat § 173-B 5 North Carolina, see N C G S § 50B-3, Oregon, see O R S § 107 700, et seq , South Carolina, see Code 1976 § 20-4-70, Tennessee see Tenn Code Ann § 36-3-605 Vermont, see 15 V S A § 1103, Wyoming see WY Stat § 35-21-106(b)

3 Alabama, see Ala Code § 30-5-7(d)(2) Arkansas see A C A § 9-15-205(b); California, see California Family Code § 6345(a), Colorado, see Colo Rev Stat § 13-14-102, Delaware, see 10 Del C 1041(b), Florida, see Fla. Stat § 741 30, Illinois, see 750 I L C S § 60/220(b), Indiana, see I C § 34-26-5-9(e), Kentucky, see K R S § 403.750(2), Maine, see M R.S 19-A § 4007, Michigan, see M C.L A § 600 2950a, Minnesota, see Minn Stat § 518B 01(6)(b), Mississippi see M S Code § 93-21-17(2), Montana, see Mont. Code Ann § 40-15-204, New Jersey see N J S A § 2C 25-29 New York, see NY Fam. Ct Act § 842, North Dakota, see N D C C § 14-07 1, Ohio, see Ohio Rev Code § 3113 31, Oklahoma, see 22 O S § 60 4, Pennsylvania see 23 Pa C S A § 6108, Rhode Island, see R I Gen Laws § 8-8 1, South Dakota, S D C L § 25-10-5, Texas, see Tex Fam Code § 85 025, Utah, see U C A 1953 § 78B-7-106, Virginia, see Va. Stat § 16 1-279 1, Washington, see R C W § 26 50 060 Wisconsin, see Wis Stat § 813 12(4)

Verve

THINKING OUTSIDE THE BOX:

What Other Protections Can We Offer Victims Through A Restraining Order?

Restitution: 18 states expressly authorize the restraining order court to order restitution for out of pocket expenses, such as medical expenses, relocation costs and lost wages.*

Intervention Services: 31 states expressly authorize the restraining order court to order an offender to some sort of counseling, substance abuse treatment and/or batterer intervention services to attempt to prevent future abuse.*

Stop Financial Retaliation: 20 states expressly authorize a restraining order court to order an offender to continue to make any rent/mortgage payments on the common dwelling and/or provide suitable alternative housing for the victim to ward of financial abuse as retaliation for a victim pursuing the restraining order.**

Possession/use of a vehicle or other personal property: 27 states expressly authorize a restraining order court to order exclusive possession of a vehicle and/or to not destroy and/or dispose of any personal or joint property.**

*According to state by state summaries of civil protection order provisions compiled by WomensLaw.org

**According to "Economic Relief Available in Protection Orders," a compilation by the Battered Women's Justice Project, found at http // www.jwi.org/Document.Doc?id=130

tic violence, it also has fiscal relevance to a State system currently burdened with budget concerns. Connecticut must join the rest of the country and permit the civil courts to issue restraining orders for at least a one year period.

As we look forward to the coming months and a robust dialogue about Connecticut's restraining order statute, DVCC360 believes we need to not only examine the merit of extending the length of time for which these orders can be granted, but also our current restraining order statute in its entirety, both the processes and available protections, as well highlight best practice strategies that can be easily implemented by our community partners under the current statutory scheme in order to improve the overall experience for victims.

EXPAND SCOPE OF RESTRAINING ORDER PROTECTIONS

When looking at the types of available protections available to victims of domestic violence across the country, Connecticut appears to be extraordinarily conservative. The protections available under C.G.S. § 46b-15 include only the basic universal protections available in every state.[4] While Connecticut, like most other states, also expressly permits the court to additionally "make any such orders it deems appropriate for the protection of the applicant and such dependent children ...," such provisions are widely underutilized.

While, of course, physical safety will continue to be the primary concern with respect to establishing the need for a restraining order, other states have, for quite some time, also been cognizant of the extreme financial and economic abuse and retaliation victims of domestic violence experience before, during and after the restraining order is granted. Almost every state in the nation has crafted legislation which provides for more expansive protections aimed at addressing these issues. According to the Battered Women's Justice Project[5], the civil restraining order statutes in 35 states expressly entertain the provision of temporary child support. Thirty-three of these states also expressly allow for orders of temporary spousal support. These types of orders are just the tip of the iceberg DVCC360 has highlighted other highly relevant protections and their prevalence in the "Thinking Outside the Box" Sidebar on page 2, and we strongly encourage our community partners to consider that effective community strategies to keep women and families safe from abuse must include measures, such as these outlined, which not only provide for restitution, but also promote critical economic independence.

WHAT CAN WE DO RIGHT NOW?

Even with our limited Connecticut statute, there are ways that we can work

4 C G S § 46b-15 provides, in substantive part The court, in its discretion may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit Such orders may include temporary child custody or visitation rights, and such relief may include, but is not limited to. an order enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant. (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant, or (3) entering the family dwelling or the dwelling of the applicant Such order may include provisions necessary to protect any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal

5 "Economic Relief Available in Protection Orders" compiled by the Battered Women s Justice Project, and found at http://www.jwi.org/Document.Doc?id=130.

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Universal Strategies for Safety:

- Determine dangerousness and lethality in each case.
- Facilitate issuance of protection orders that provide the broadest relief allowable under state law, as requested by the petitioner
- Facilitate prompt service & enforcement of those orders.
- Consider the impact of child custody
- Maintain victim confidentiality throughout the process.
- Consider safety concerns from a broad perspective that includes victims, communities, and system professionals.

Source: Civil Protection Orders: A Guide for Improving Practice, pgs 2-4.

within the current statutory scheme to promote a better and more coordinated approach to the civil restraining order process. Many of these have been compiled and published by The National Council of Juvenile and Family Court Judges (NCJFJ) in *Civil Protection Orders: A Guide for Improving Practice*, more commonly referred to as "The Burgundy Book." The goal of this publication was to promote effective issuance, service and enforcement of protection orders nationwide. It highlights six universal strategies which speak to overarching values that must be fully embraced by each professional in the civil restraining order system in order for the system to function effectively, and then goes on to provide recommendations from the NCJFCJ that are specific to advocates, civil attorneys, courts and the judiciary, law enforcement, and prosecutors in turn. DVCC360 highly encourages everyone who comes into contact with families affected by victims of domestic violence to access this document and use it as a reference tool, not only to inform your own particular area of practice, but to also more broadly inform as to how a community can come together and "ensure that the promise of the civil protection order system is realized."[6]

The Burgundy Book can be found in electronic form at: http://www.ncjfcj.org/images/stories/dept/fvd/pdf/cpo_guide.pdf

Civil restraining orders will continue to be a critical safety planning tool for victims of domestic violence. Because of this, we, as a community, have a responsibility to ensure that the process of obtaining a civil restraining order, and the protections available to victims through such orders, exemplify Connecticut's commitment to help victims of domestic violence keep themselves and their children safe from abuse.

DVCC360 looks forward to working with all of you as we continue to examine potential improvements to this essential process.

6 Maureen Sheeran et al Civil Protection Orders: A Guide for Improving Practice, pg 2. National Council of Juvenile and Family Court Judges (NCJFCJ) (2010)

CCDLA
"Ready in the Defense of Liberty"
Founded 1988

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March 23, 2012

The Honorable Eric D. Coleman
The Honorable Gerald M. Fox.
Chairmen
Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

Re: Raised Bill No. 5548
An Act Concerning Domestic Violence

Dear Chairmen and Committee Members:

The Connecticut Criminal Defense Lawyers Association (CCDLA) is a statewide organization of over 300 licensed lawyers, in both the public and private sectors, dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA works to improve the criminal justice system by ensuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished. At the same time, CCDLA strives to improve and suggest changes to the laws and procedures that apply to criminal justice. By way of this testimony, CCDLA objects to Sections 6 and 11 of Raised Bill No. 5548, An Act Concerning Domestic Violence.

Raised Bill 5548, An Act Concerning Domestic Violence, incorporates a number of recommendations made by the Speaker's Task Force on Domestic Violence and the Task Force on Law Enforcement Response to Family Violence in their current reports. CCDLA commends both task forces for their comprehensive work on a variety of issues related to domestic violence in Connecticut. While CCDLA generally supports the efforts of these two groups to address and improve our state's response to incidents of domestic violence, our organization has concerns with Section 6 of this bill.

CCDLA recognizes that effectively reducing domestic violence requires educational and rehabilitative measures. In its current form, the Family Violence Educational Program (FVEP) serves to prevent future domestic violence through education and counseling without exposing participants to the direct and collateral consequences of a criminal conviction. CCDLA opposes the changes contained in Section 6 because they are unnecessary and undoubtedly will negatively impact certain FVEP applicants, their families, and court resources. This section alters the eligibility requirements of the Pretrial Family Violence Program by precluding

individuals charged with "an offense that involves the infliction of serious physical injury, as defined in section 53a-3." Presently, the existence of physical injury or serious physical injury does not automatically bar acceptance into the FVEP.

In order to adequately consider the ramifications of the changes proposed in Section 6, it is necessary to compare the definitions of "serious physical injury" and "physical injury." C.G.S. Section 53a-3, subsection 4 provides: "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," while "physical injury" is separately defined under C.G.S. Section 53a-3(3) as "impairment of physical condition or pain."

Additionally, existing case law must be considered in any attempt to distinguish "physical injury" from "serious physical injury." Our judiciary has determined that whether a person has suffered a serious physical injury within the meaning of C.G.S. Section 53a-3(4) is a question of fact for the jury. *State v. Almeida*, 211 Conn. 441 (1989). Recently, our supreme court confirmed this conclusion by indicating that any inquiry pertaining to the nature of a "serious physical injury" is "fact intensive" and that it is often difficult to determine at what point a "physical injury" becomes a "serious physical injury." *State v. Ovechka*, 292 Conn. 533, 2009.

It's clear our statutory definitions and case law would present significant procedural hurdles for the court in its efforts to determine FVEP eligibility in cases involving various types of injuries. As an ethical matter, defense counsel would be required to pursue FVEP applications for their eligible clients and challenge preliminary claims of "serious physical injury." Additionally, even in cases where the existence of a serious physical injury is readily apparent, there may be any number of valid questions raised as to how the injury was inflicted and by whom. In view of this likely scenario, courts will be required to engage in extensive fact-finding hearings bordering on mini-trials to confirm the existence of a serious physical injury and/or how and by whom it was inflicted.

It is worth emphasizing that the FVEP statute, Subsection H of C.G.S. 46b-38c, in its current form adequately ensures that this program is granted only in appropriate cases. The existing statutory scheme provides that an individual charged with a class A, B, or C felony is ineligible for participation in the FVEP. Additionally, a person charged with a class D felony must make a showing of "good cause"[1] in order for the court to grant the program. The current good cause standard for a court's determination of FVEP eligibility does not entail a convoluted fact finding mission but if does provide an efficient and flexible tool by which a court can use its discretion to consider the appropriateness of granting an FVEP application. In all cases involving the showing of good cause, the court has the authority to use its discretion to grant or deny FVEP to any eligible applicant based upon the particular facts of the case and other relevant background information.

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[1]The phrase "good cause" is used in all areas of the law and its definition is usually left to its common understanding as " [a] legally sufficient reason." Black's Law Dictionary (9th Ed. 2009)

CCDLA is concerned that Section 6 seeks to remove a certain pool of applicants from the court's purview by imposing a blanket prohibition in cases involving allegations of "serious physical injury." As previously mentioned this restriction would require the court to engage in a fact finding hearing as part of the FVEP application process to determine the existence of a "serious physical injury." Such an inquiry would need to be built into the application process and would entail the extensive use of scarce judicial resources since the court would be required to make a finding of fact prior to the admission or denial of a FVEP application in any case involving an allegation of "serious physical injury." In its current form the FVEP statute provides a mechanism by which only appropriate candidates are granted the program. A convoluted application process is unnecessary since the prudent judgment of the court is predicated on the assessment and input of various judicial and non-judicial agencies including the State's Attorney's Office, Family Relations, the Victim's Advocate, the Department of Children and Families, and pretrial supervision programs such as Community Mental Health Affiliates and CRT's Alternative in the Community Program (AIC).

CCDLA urges the Judiciary Committee to vote against Raised Bill 5548 for all of the above stated reasons.

Respectfully submitted,
CCDLA

By, _____
ELISA L. VILLA, Member
CCDLA Executive Committee

TESTIMONY OF PENNI MICCA
SUBMITTED TO HUMAN SERVICES COMMITTEE
Friday, March 23, 2012

Raised Bill No. 5548
AN ACT CONCERNING DOMESTIC VIOLENCE

Good afternoon Senator Musto, Representative Tercyak and members of the Human Services Committee My name is Penni Micca As a representative of Interval House, Connecticut's largest domestic violence intervention and prevention program, a member of the Connecticut Coalition Against Domestic Violence (CCADV) Public Policy Committee, and Chair of the Connecticut Domestic Violence Fatality Review Committee (CDVFRC), I appreciate the opportunity to submit testimony pertaining to Raised Bill No 5548: An Act Concerning Domestic Violence. I also had the privilege of being appointed by the Governor to sit on the Task Force on Law Enforcement Response to Family Violence that was created and defined by this very act in 2011.

Last year. An Act Pertaining to Domestic Violence was amended to extend restitution services – compensation - to victims of domestic violence and their families This change has made a huge impact on the aforementioned individuals and was celebrated by domestic violence service providers. What we learned from our finding on the Domestic Violence Fatality Review Committee was that in many cases, children were present when the fatality occurred. Can you imagine what a profound impact it would have on a child to witness a parent being murdered, and in some cases, a parent committing suicide? What we weren't prepared for was the fact that in some instances, children that were present when the fatality occurred included children who were *not* related to the family They might have been having an overnight with a playmate. What happens to them after the police leave? Section 16 Subsection (b) of R.B. 5548 extends OVS restitution services to include children who witness domestic violence, including, but not limited to, children who are not related to the victim. Please support this change and help assure that *all* children who witness domestic violence in our state have equal access to counseling services.

I'd also like to take a moment to talk to you about the Task Force on Law Enforcement Response to Family Violence. We met for three months as a group to come up with a number of recommendations. A Model Family Violence Policy Committee continued to meet on a weekly basis for an additional two months. We put together a model policy based on team recommendations using the CT Police Officer Standards and Training Council (P O S.T.) family violence model policy and curriculum as our foundation. It was a great experience. I am proud of the final product and the collaborative decisions made regarding content There were a lot of stakeholders in the room with a lot of different points of view, but we listened and talked and wrote – and rewrote – and were able to develop policy and procedure to help strengthen and standardized law enforcement response to family violence.

We kept three things in the forefront as we worked through each topic crafting procedures and policies that will (1) enhance the safety of victims of domestic violence, (2) more effectively address the perpetrator of family violence to increase accountability and (3) support the officers of our state in their response to family violence crime. We recommend some major changes, and some that are very subtle that we believe will have a strong impact on the overall response to domestic violence These operational guidelines will provide standardization as to how domestic violence is responded to in departments across the state Section 17 addresses the model law enforcement policy and Section 18 calls for an establishment of a Family Violence Model Policy Governing Council. I believe that the recommendations will benefit officers in their response to domestic violence which will be positive for the victims seeking assistance I hope you feel the same way I or any of the other task force members would be more than happy to answer any questions you might have. Thank you.

Penni Micca, Law Enforcement Domestic Violence Advocate
Domestic Violence Outreach Team (DVOT)
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STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES & PUBLIC PROTECTION
OFFICE OF THE COMMISSIONER

March 23, 2012

Sen. Eric D. Coleman, Co-Chairman
Rep. Gerald M. Fox, Co-Chairman
Judiciary Committee
Legislative Office Building
Hartford, CT 06106

HB 5548 AN ACT CONCERNING DOMESTIC VIOLENCE

The Department of Emergency Services and Public Protection supports this bill.

The Department of Emergency Services and Public Protection supports legislation that will strengthen the rights and protection of victims of domestic violence. This proposed bill would provide that all state and local law enforcement agencies adopt the standards set forth in the model policy amended by the Law Enforcement Response to Domestic Violence Task Force that was established pursuant to section 19 of public act 11-152. All law enforcement agencies will be required to adopt specific guidelines into their current policies relating to police response to domestic violence incidents by October 1, 2012.

The agency does not see any fiscal costs or considerations to our agency in fulfilling the requirement of completing an annual report on the status of compliance for usage of the model law enforcement policy on family violence. The format will be developed to request notification of compliance only, starting on or about July 1, 2013 and thereafter.

The agency has previously assigned an agency representative to the Law Enforcement Response to Domestic Violence Task Force and recognizes the need of assigning a representative to serve on the proposed Family Violence Model Policy Governing Council. The Department of Emergency Services and Public Protection supports ongoing efforts to evaluate policies and procedures, review and update the model policy and to evaluate data accuracy.

Sincerely,

Reuben F. Bradford
COMMISSIONER

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Testimony of Karen Gaston

Submitted to the Joint Committee on Judiciary

Hearing on
R.B. No. 5548: AN ACT CONCERNING DOMESTIC VIOLENCE
March 23, 2012

Good afternoon, Senator Coleman, Representative Fox and members of the Judiciary Committee My name is Karen Gaston. I am here today to speak on Raised Bill 5548: An Act Concerning Domestic Violence. Last year, as a survivor of domestic violence, I was given the opportunity to sit on the Law Enforcement Response to Family Violence Task Force, an appointment I found to be very rewarding.

I wasn't always the proud and confident woman I am now I experienced abuse at the hands of my now ex-husband, but it didn't start out that way Like many survivors of domestic violence, I was courted for years before I got married. Those were the most wonderful times, I was treated like a princess and my life was everything it could be and more I was lavished with gifts, trips and lots of love. I never realized what I was in store for. We married and shortly thereafter the abuse began. It started out with verbal abuse, name calling, putting me down and humiliating me. Eventually the abuse got worse, he started pushing and shoving me then he hit me. I called the police and then went to stay with my mother but only for the night When I went back home the next day, he was there and the police came and arrested him. But that didn't stop the abuse- he continued to harass and stalk me. I had to change my phone number and over the course of months I called the police, he was arrested and the court issued a protective order for my safety I was so shocked and afraid, I learned that the protective order meant nothing to him

About 8 months later and with a full protective order in place, he came to my home to drop off my daughter from his visitation An argument ensued, and he tried to strangle me I ran inside to call the police and as I was speaking with dispatch, he broke down the door Then he stabbed me in the back. At first I didn't even realize that I was hurt. It wasn't until I saw the blood that I knew I was seriously injured I was rushed to the hospital where I stayed for a week in recovery After I was stabbed he went into hiding and eventually he was picked up on the warrant. The abuse finally stopped when I started fighting back and didn't back down. However, he did continue to harass and try to control me by filing motion after motion in civil court.

What I told you is just a small glimpse into my life. I would like to say that was my former life but there are still days when I look over my back. Even time cannot erase those memories Today I have dedicated my life to helping victims of domestic violence whose cases are heard in the Hartford court When I speak with victims, I can see that some things have not changed I have noticed that domestic violence is responded to differently in each police department. And sometimes differences exist even within one department. Just as I had experienced, there was no uniform response I have also seen that there are far more violations of both restraining and protective orders with no arrest. And I think, perhaps my circumstances would have been different if my ex-husband was arrested for violating the protective order

So today, I come before you to ask for your support of Raised Bill 5548. We must invest our time in the right approaches and in getting better outcomes for victim And while I cannot change what happened to me, I do know that with your support, life can be different for other victims Thank you for your time

Testimony of Anonymous
Regarding HB 5548, An Act Concerning Domestic Violence
Judiciary Committee Public Hearing
March 23, 2012

Senator Coleman, Representative Fox, and members of the Judiciary Committee, I am hoping that you will take a serious look at what can be done to better protect victims of stalking and put yourself in the shoes of others, including myself, as one day you or a loved one may be in my situation. Having no legal recourse to further protect yourself (until the offender "ups their game" at your expense) only makes me feel twice victimized and very vulnerable.

This is situation for many can boil down to a matter of life or death.

The following is a letter that I sent to law enforcement after I was told that I am ineligible for a restraining order. HB 5548 in its current form will not protect me as a stalking victim, and it will not make me eligible for a restraining order. Please consider amendments to the legislation to strengthen the stalking statutes and to make restraining orders more easily available to victims.

Thank you for your consideration.

Anonymous
Waterbury, CT

Thursday, February 23, 2012

Detective _____ & To Whom it May Concern:

On 2/22/12 I came to the station to follow up on the police report I made on 2/14/12 (the law defines my situation as harassment, I define it as stalking) and I was given the option to get a restraining order.

Today I left work early since the clerk at the courthouse made this process seem lengthy; I'd have to fill out a restraining order "packet", wait for an available clerk to do their part, wait and see if a judge was available to hear my case (if not I would have to come back once a return date was given) and then if the judge granted the order, I would have to go the Marshals office with the paper work.

All of which I have no problem with in order to protect myself and my kids. However, that option is NOT available to me. The first page of this packet clearly states the Respondent has to be the following:

__ My spouse or a person I have a civil union with
__ My former spouse or a person I had a civil union with
__ Parent of my child
__ My parent
__ A person with whom I have (or recently had) a dating relationship or with whom I have resided
__ My child
__ A person 18 or over related to me by blood or marriage
__ A person 16 or over with whom I reside
__ A caretaker who is providing shelter in his or her residence to a person 60 years of age or older

The clerk also emphasized that if these choices did not apply to my situation and couldn't put an X next to any of them, I could not apply for a restraining order.

So where does this leave me? The clerk also handed me another document that listed the same information and said that it was given to the police in his words, "100 times". Why send me to the courthouse when I can't take this extra step to protect myself? Again I ask, what do I do now? Not being able to obtain this order actually heightens my fear. I'm trying to do everything in my power to keep me and my family safe and keep us feeling safe in our home. How can I accomplish that when every reasonable means that ***should*** be available to help me is not? He's not my relative, I've **NEVER** dated him, **NEVER** liked him or anything Why isn't there an "Other" category or "Being Harassed by Respondent" category?

Don't get me wrong, I know you're doing your best within the parameters of the law. But I can safely speak for others in my situation or for those who are cyberbullied when I ask; Does something have to happen to us before our situation fits the laws criteria to obtain further protection? Matters such as these seem to be minor (but not minor to the victim) in the eyes of the law. What will it take to widen the laws parameter to better protect those of us dealing with the uncertainty of another person's actions?

According to the law, my case is harassment. By simple definition, harass means "To bother or annoy someone again and again."

Imagine if you were continually sent (even after police involvement 3 previous times) unwelcome correspondences with disturbing and pornographic content. In addition, they keep sending you gifts & money even after you've sent them back and continue writing sexually explicit things they want to do to you They talk about their dreams and fantasies about you as if they were **reality** and you can tell that this person **truly** believes their fantasies are real and they imply you have mutual feelings. After the police get involved they tell you their blood boils when they think of you, of course they try to smooth it out with "nicer" statements after. Would you feel it's just harassment or would you feel they are dangerously delusional? So why can't I get a restraining order on someone like that?

For me this person is a stalker. I've moved, and their very unwelcome presence is back. Just because he hasn't come to Connecticut yet (as far as I know) doesn't mean he won't, especially since he grew up here and has family here. I can guarantee if I were a wife, daughter, sister or mother of a judge, lawyer, police or President of USA, it wouldn't be viewed as merely harassment. At the very least, they would personally feel this was stalking

My stalker's correspondence scares me to the core because he is **clearly** not balanced And that poses a danger to me and my children.

The paper from the clerk also said that being referred by the police does not automatically qualify you for a restraining order. Why send me since according to the narrow interpretation of the law my situation doesn't fit the categories listed and no exception can be made to that statute? To be honest, I'm not upset that I went to the courthouse for nothing, I'm upset that the law doesn't permit me to further protect myself Does that make sense to you?

The paper given to me by the clerk also listed the "Matters Requiring Police Action". I've written them below along with my feelings on each one.

Sec. 53a-61: Assault in the 3rd degree: Class A Misdemeanor – N/A

Sec. 53a-62: Threatening: Class A Misdemeanor – After the police where involved he sent me a letter saying his blood boils when he thinks of me, I find that threatening. Just because he followed it with nicer statements doesn't make it ok, and to me that spells "psychotic ticking time bomb".

Sec. 53a-181: Breach of Peace: Class B Misdemeanor – My sense of security and peace of mind have been breached since 2005 by him. I feel on edge for a long time after he makes contact wondering if he's going to just show up one day or write me again. Frankly, in the evening I feel scared in my home when I hear noises. It's of no comfort that his address is out of state; he's traveled all over the U.S. and to different countries according to his letters. What's to prevent him from coming here?

Sec. 53a-182: Disorderly Conduct: Class C Misdemeanor – One of the definitions for disorderly are **uncontrolled** and possibly violent He seems to have an **uncontrolled** need to contact me with lewd letters and is now continuing to contact me even after police have spoken to him and I've moved.

Sec.53-181d: Stalking: Class A Misdemeanor – The law has their definition of stalking and a victim has theirs. Some other words for stalk are: *follow, track, pursue, hunt, haunt, menace.* Since 2005 he has been ***pursuing*** me with letters, cards, gifts & money which now have ***followed*** me to my new address which makes me feel ***hunted***. I know he's been ***haunting*** the florists regarding his recent flower delivery to see if I received the flowers, which I can guarantee he's been trying to call me too, however I don't have caller I.D. so I can't prove it. But he's included his email in 2 of the 3 cards recently sent and says to "Hit me up sometimes". Last year when I had internet, I looked myself up on peoplefinder.com and there was a message saying that 1 person was trying to locate me. I don't know who it was for sure because I wasn't going to pay for that information, but I wouldn't doubt it was my stalker trying to ***track*** me down. With every fiber of my being I feel he is a ***menace*** to me & my girls.

I've written all this because I feel very disturbed by this situation and I have many moments when I feel he could be "lying in wait", the "police" term for stalking. I feel insecure and edgy about my family's security. Knowing that someone is out there who believes his fantasies as fact, and has been trained by the military to fight and kill, can show up for me at any time is extremely disconcerting. He may just show up because he dreamt about it (from his letters it's clear he puts a lot of stock in dreams) or he just may snap because I don't return his delusional affections. Forgive the repetition, but why can't I get a restraining order?

Please be assured that what I'm saying is **no way a reflection on you** or how you're handling my case, you've been extremely helpful. I guess I'm in disbelief and shocked that this additional safety measure isn't available for me or people like me. This just heightens my anxiety and makes me feel unsafe. To me this is a reflection on how the law doesn't always have peoples/victims best interest in mind, it reflects badly on the lawmakers I appreciate your efforts with my case and I thank you for taking the time to read my letter.

Sincerely,

Anonymous
Waterbury, CT

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LINE 13

Testimony of Christine Rodrigue

Submitted to the Judiciary Committee

Regarding

R.B. No. 5548: AN ACT CONCERNING DOMESTIC VIOLENCE

March 23, 2012

Good afternoon, distinguished members of the Judiciary Committee. My name is Christine Rodrigue and I am here today to speak on Raised Bill 5548: An Act Concerning Domestic Violence It is particularly challenging for me to be here today because talking about my personal experiences always provokes feelings and images that I want to forget But if even one word that I say today helps to protect other victims, then it is worth the time I spend with you

My ex-husband was an alcoholic and it took me months of living in denial before I would come to that realization I thought, how could I have not seen it. I'm smarter than that. He was drunk or under the influence of drugs throughout our relationship The first time I was abused was shortly after I got married. Most of the abuse I experienced was verbal abuse or so I thought-he would negatively comment on my cooking abilities, he would humiliate me in public and belittle my children. He also sexually assaulted me but I never once considered his inappropriate advances to be abusive. I was taught that pleasing my husband sexually was my duty as his wife. When I refused he would accuse me of cheating on him and whenever the phone rang and someone hung up, he was convinced it was a man calling for me As the years past, he continued to verbally and sexually assault me and on occasions his abuse turned physical. One day in a drunken fit, he told me that he attempted to kill himself I saw him standing over our son in the strangest of ways, so I called the police because I didn't know what he would do.

Before the police arrived he had trashed the kitchen, there were broken windows. He also strangled me. I was determined I was not going to die nor was he going to harm or raise our son! With all the power I could muster I managed to reach my arms to his body and shove him into the kitchen counter. I caught him off guard and he released his hands from my throat When the police arrived he was taken to the hospital and I was told that if I disclosed that I was strangled then DCF would be called and my children would be taken away. I couldn't risk losing my children so I remained silent He was never arrested.

I endured the abuse for 14 years and it wasn't until my ex-husband jacked my son up against the wall in a strangle hold that I left. I was determined that no one would ever abuse my children. I went to the court and with the assistance of the people there I was able to file for divorce on my own. I tried to request a restraining order but I was told that since my history of abuse was verbal in nature, I was not eligible. I never mentioned the strangulation for fear of losing my children and I never spoke of the sexual abuse because I didn't realize it was abuse

Today I would qualify for a restraining order that would be good for six months then I could appeal to the court for a longer period of time. I could through the initial process but I don't know if I would return for an extension. I don't think I could bear to face my abuser again and go through the process I want the violence to stop, I don't want additional opportunities for him to engage or have contact with me. **I am asking you to extend the length of time of restraining for up to one year.** Today, I have healed and I work to raise awareness about domestic violence I have my own cable show and I bring in guests from domestic violence organizations to talk about what services are available. Today, you too have a chance to make a difference in the lives of victims by supporting Bill Number 5548. Thank you for your time

Testimony of the Center for Women and Families of Eastern Fairfield County
In Support of HB 5548, Law Enforcement Response to Family Violence
Ruth Dushay, Civil Court Advocate
Judiciary Committee , March 23, 2012

My name is Ruth Dushay and I am a civil court advocate for the Center for Women and Families, a Bridgeport based domestic violence and sexual assault crisis agency that services the towns of Stratford, Fairfield, Trumbull, Fairfield, Easton, and Bridgeport The family violence court advocates saw about 3000 clients in 2011. CWF as whole saw a total of 4600 survivors. Advocates provide safety planning, counseling, referrals and advocacy for victims of domestic violence. We are in support of the 5548 Bill. The provisions contained within will provide additional protection for victims and survivors.

Connecticut needs a model policy for all law enforcement agencies statewide to adhere to and to be able to rely on for best practices when responding to family violence incidents Implementing a standard model policy will help keep victims safe and hold offenders accountable.

Dual arrests occur when both parties in an incident are arrested. As advocates we have the benefit of reading the police report and then speaking to the parties on the day of arraignment. There have been times when it is obvious that the true victim in the case was inappropriately arrested. It appears that officers are not being adequately trained on subjects such as defensive wounds, predominant aggressor, and dynamics of domestic violence. Several things can happen when victims of domestic violence are arrested when they were actually defending themselves: the abuser can use it as a tactic to gain more power within the relationship, the victim maybe afraid to call the police again, and a protective order may be issued against the victim. Best practice includes adequate law enforcement training to ensure that inappropriate dual arrests do not occur.

The current DPS 230 form that is submitted with each domestic violence incident by the police does not allow for clear cut data to be gathered on dual arrests making it difficult to determine what the actual number of dual arrests is. This form should be revised so that officers can document why they made a dual arrest. There is currently no field allowing an officer to record what offense each individual was arrested for. Since the form has not been modified since 2007 it is time that it is reviewed for dual arrest purposes as well as to make it up to date with current statutes It would also be beneficial to add a checklist for officers so they can document that they have completed everything they are required to when responding to a family violence incident.

Police officer training should be reviewed so that trainings can be standardized across the state. Increasing the amount of hours an officer has to complete will provide more of an in depth understanding of domestic violence for officers. In addition, developing a train the trainer curriculum for law enforcement will help ensure that standard information is being taught throughout the state. Police officers are typically the first contact a victim of domestic violence has with the criminal justice system. A good quality police response will make it easier for a victim to seek safety and support as it will be apparent that the community understands and is behind them

Bill 5548 will make is easier for victims to report violations of protective order that are communicated electronically When victims receive emails or text messages it would be more feasible for them to report the violation of protective order in the town where the communication was received, where it was sent, or where the victim lives. A violation of protective order is a serious offense. It demonstrates that a defendant has no regard for a court order and often times an electronic communication violation can intimidate, harass, or threaten a victim of domestic violence It is imperative that a victim be able to report a violation without difficulty.

Implementing a model policy for law enforcement will help protect officers as well as victims There are many intricacies in domestic violence cases and having protocols in place will ensure that best practices are employed throughout the state. It is our hope at the Center for Women and Families that you will support Bill 5548.

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Testimony of the Center for Women and Families of Eastern Fairfield County
In Support of HB 5548, Law Enforcement Response to Family Violence
Samantha Bayuk, Domestic Violence and Sexual Assault Advocate
Judiciary Committee , March 23, 2012

Senator Coleman, Representative Fox, and honorable members of the Committee, my name is Samantha Bayuk and I am a Domestic Violence and Sexual Assault Advocate at the Center for Women and Families of Eastern Fairfield County (CWFEFC). CWFEFC is a Bridgeport based domestic violence and sexual assault crisis agency that serves the towns of Bridgeport, Easton, Fairfield, Monroe, Stratford and Trumbull. The family violence court advocates saw around 3000 clients in 2011, while CWF as whole saw a total of 4,606 survivors of Domestic Violence and Sexual Assault. Advocates provide safety planning, counseling, and referrals as well as advocacy for victims of domestic violence. We are in support of the 5548 Bill. The provisions contained within will provide additional protection for victims and survivors of domestic violence

When perpetrators are on probation, victims are under the impression that compliance with probation, on the perpetrator's behalf, is not limited to compliance with the law, but also includes attending their recommended intervention or treatment programs. If the perpetrator violates their probation, either by not complying with the law, or not attending their recommended classes, however, the probation officer of the perpetrator should then make a reasonable effort to contact the victim, especially in the case of domestic violence. This is important information for the victim to have, so that they can utilize said information in order to safety plan, as well as make any changes necessary to help protect them from the perpetrator.

There are a number of reasons why this information is pertinent to a victim's safety One of the reasons, to start, is that in a case where the perpetrator's violence is escalating, notifying the victim allows him or her to plan accordingly to do things such as find shelter or a place to stay where the perpetrator cannot find him or her. Another reason it is important to the safety of a victim is that if the perpetrator is not complying with treatment programs, specifically domestic violence batterer treatment or substance abuse intervention, then their behaviors, most likely, have not changed their behaviors. If this is the case, it could often lead to stalking, threats of violence, or unfortunately, what many abusers call "coming back to finish the job," wherein victims end up battered worse, or in the worst case, dead. A third reason that informing the victim of any probation violation is important, is that continual violations of mandated programs, restraining orders, or other sentences not only exhibits an obvious disregard for court orders, but also a disregard for the safety and comfort of the victim, which can be a red flag for their security not only out in the community, but at home as well if the perpetrator knows where they reside. The blatant disregard for court orders and the victim's feelings can also show that the perpetrator is not trying to change their aggressive, often times

intimidating, behaviors, and means that they could still exhibit and hold aggression toward the victim, and may even plan to act on it. The more information the victim knows regarding the abuser's whereabouts, probation, and other details of their case, the better prepared he or she can be for potential violence, and the better he or she can prepare to protect themselves or even hide away from the abuser.

Notification of case status is extremely important in terms of victim safety. A provision in Bill 5548 is for the victim notification of cases that are nolled or dismissed. In cases where there are protective orders in place the protective order expires when the case is disposed of. Victims need time to prepare for this and to be able to safety plan in regards to a protective order expiring. Another reason why notification is important is because there are defendants who are not abusing their partners just because a criminal case is pending. Once the case is disposed of there may be a risk of violence occurring again and victims need to be prepared and be able to make informed decisions. The criminal justice system is hard to navigate and it will be beneficial for victims to be more informed of case status.

Bill 5548 is an important step in providing victims of domestic violence with added safety measures, as well as additional information regarding the abuser's case Thank you for considering this important piece of legislation. It is our hope, here at The Center for Women and Families of Eastern Fairfield County, that you will join us in supporting HB 5301.

Samantha Bayuk
Domestic Violence and Sexual Assault Advocate
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Center for **Children's** Advocacy
University of Connecticut School of Law, 65 Elizabeth Street, Hartford, CT 06105

TESTIMONY IN SUPPORT OF RAISED BILL 5548, SECTION 2, AN ACT CONCERNING DOMESTIC VIOLENCE

VOLANTE-COLE

March 23, 2012

This testimony is submitted on behalf of the Center for Children's Advocacy, a private, non-profit legal organization affiliated with the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy. The Center also operates a Teen Legal Advocacy Clinic, which provides legal services specifically to teens throughout the state, including an office in Warren Harding High School in Bridgeport, CT. It is because of our advocacy work with teens who are victims of violence at both the individual and systemic levels that **we urge you to support section 2, paragraph 2 of An Act Concerning Domestic Violence. This provision will allow minors who are victims of violence to consistently and safely access relief from abuse**[1].

We thank the legislature for its wise decision to amend this statute during the 2011 legislative session to allow minors who are victims of dating relationship violence to access restraining orders. However, we feel that more is needed. Minors are also victims of violence from parents, persons with whom they have a child, relatives related by blood or marriage, persons whom they live with, and in some cases, spouses.[2] These minors should experience the same access to protection as those in dating relationships.

We see the kids who are victims of violence and are in need of protection from the Court. Below are two examples of youth who were treated very differently:

Jessica (not her real name) was seventeen years old when she came to our legal clinic to get help from an abusive mother. After a particularly violent argument with her mother she escaped and went to an Aunt's house. Her mother followed her to the Aunt's house and harassed her. The next day, with the help of one of our attorneys, she applied for a restraining order ("Application for Relief from Abuse") and received one. This allowed her to feel some measure of safety as she went to school and to her job. Our attorney then represented her to have guardianship transferred to an appropriate and safe adult

On the other hand, Carla (not her real name), who was seventeen years old, came to our legal clinic to get help from an abusive father She had recently told her parents that she was gay and as a result, they threatened to hurt her. Carla tried to apply for a restraining order against her parent but was told that she could not because she was not eighteen years old. She ended up leaving her home and moving from place to place out of fear for her safety.

In 2010, Break the Cycle, a leading, national nonprofit organization, released its annual state by state report card which graded states on how well they protect minors from abusive relationships *Connecticut received a "C" while all of our neighboring states*

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[1] Pursuant to Conn. Gen Stat § 46b-15(a)
[2] See Conn Gen. Stat § 46b-38a defining "Family or household member"

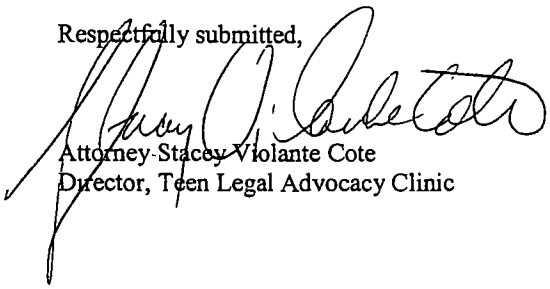
received a "B" or better.[3] This is due in part to the lack of specificity in Connecticut laws regarding whether minors can apply to the CT Superior Court for relief from abuse on their own and/or who can file on their behalf.[4] **The amendment in Sec. 2(2) addresses these concerns by allowing minors who are victims of abuse to ask the Superior Court for relief from such abuse.** This provision would assist vulnerable teens in getting necessary physical safety from their abusers.

As you are no doubt aware, as elsewhere, domestic violence in Connecticut is widespread and costly, both to the families that suffer it and to the State. Between October 1, 2009 and September 30, 2011, more than 85% of crime victims served in Connecticut with federal grant funds were domestic violence victims.[5] Research suggests that the violence in these households often has deep roots. Violence in adult relationships may be part of a pattern that was established early, and may be more serious if established during adolescence.[6] A study published in the Journal of the American Medical Association concluded that "Violent relationships in adolescence can have serious ramifications for victims: Many will continue to be abused in their adult relationships and are at a higher risk for substance abuse, eating disorders, risky sexual behavior, and suicide."[7]

Both Carla and Jessica were high school students who were seeking safety from an abusive parent. One received protection, the other did not. We are aware of other teens who were not able to access safety from the Court. Connecticut can do better than this. Teens often fear involving officials in their family life. This fear is increased with uncertainty about what they can expect from those authority figures. This underscores the importance that the rules be clear and that they be consistently applied. The changes proposed in **section 2, paragraph 2 of An Act Concerning Domestic Violence** will go a long way in providing access to safety for minors who are victims of violence.

Thank you for your consideration.

Respectfully submitted,



Attorney Stacey Violante Cote
Director, Teen Legal Advocacy Clinic

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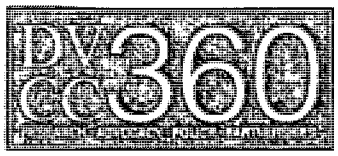
[3] See website of Break the Cycle, http://www.breakthecycle.org/content/press-release-4610 (last visited 3/22/12)
[4] See 2010 CT Report Card at Break the Cycle, http://www.breakthecycle.org/system/files/pdf/Teen-Dating-Violence-State-Law-Report-Card-Connecticut-2010.pdf (last visited 3/22/12)
[5] Biennial Activities Report, Oct. 1, 2009 – Sept 30, 2011, Office of Victim Services, State of Connecticut Judicial Branch.
[6] V.A. Forshee et. al., Health Education Research, 11(3) 275-86 (1996); S.L. Feld and M.A. Strauss, Criminology, 27, 141-61 (1989)
[7] Jay G. Silverman et. al., "Dating Violence Against Adolescent Girls and Associated Substance Use, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy and Suicidality," Journal of the American Medical Association (2001)



Date· March 23, 2012

To: Senator Coleman, Representative Fox, and members of the Judiciary Committee

Re: Support for An Act Concerning Domestic Violence (Raised Bill No. 5548): A Mandatory Model Policy for Law Enforcement

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My name is Andrea Dahms, and I am a staff attorney and advocate with the Domestic Violence Crisis Center. DVCC is a member of the Connecticut Coalition Against Domestic Violence and provides direct services annually to over 4,000 victims of domestic violence across seven communities in mid-Fairfield County.

Our agency is contracted by the State to provide court based victim advocacy in both the Stamford and Norwalk Courts. In 2011, these advocates provided safety planning services and advocacy in over 2,000 criminal court cases. Law enforcement was often the first point of contact each of our victims had with the criminal justice system. Recognizing that law enforcement plays such a critical role in the response of our communities to domestic violence, the DVCC strongly supports the proposed legislation to adopt and mandate compliance with the Statewide Model Law Enforcement Policy, as drafted by the Law Enforcement Response to Family Violence Task Force.

I had the great fortune to serve as a member on that task force, and the recommendations that came out of this diverse collection of stakeholders will have the greatest impact on the law enforcement response to domestic violence since the passage of the Family Violence Prevention and Response Act back in the 1980's. Components of this policy, including: the designation of a specialized supervisory officer to oversee each agency's response to domestic violence; the creation of policies surrounding property retrieval and enforcement of restraining and protection orders; and clarification of the laws and guidelines surrounding dual arrests, are all foundational components of a best practice law enforcement response to domestic violence

The DVCC has seen firsthand how the implementation of such policies impacts a community. For several years now we have enjoyed a strong working partnership with the Stamford Police Department's Special Victims Unit. Upon the re-organization of that unit several years ago, these officers internally developed policies that are much like those recommended by the task force. They provided training and oversight with respect to the proper implementation of the policies. As a result, the dual arrest rate dropped almost 20% and the community's trust in law enforcement's ability to adequately respond to their concerns and keep them safe has increased tenfold.

A victim of domestic violence should be able to expect the same professional and appropriate response regardless of which law enforcement agency the crime is reported to. By passing the proposed legislation and mandating the adoption of the task force's model policy, the State goes a long way towards ensuring that consistent response. On behalf of DVCC, I strongly encourage you to adopt the proposed legislation surrounding the Model Policy, including the creation of the Family Violence Model Policy Governing Council, in its entirety.

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United Way

March 23, 2012

Judiciary Committee

Testimony of Michael Burns in support of H.B. 5548 An Act Concerning Domestic Violence

Senator Coleman, Representative Fox, Senator Doyle, Representative Holder-Winfield, Senator Kissel, Representative Hetherington, and members of the Committee.

My name is Michael Burns, and I am an attorney at Connecticut Legal Services, Inc. I have been representing victims of domestic violence for 25 years and I am here on behalf of the 3 major legal services organizations in Connecticut to testify in support of House Bill 5548 An Act Concerning Domestic Violence. Connecticut Legal Services, Inc., Greater Hartford Legal Aid, and New Haven Legal Assistance all are in support of this bill. The purpose of this bill is to implement the recommendations of the legislative task force on domestic violence. The task force should be complimented for its work on this project. This bill amends the current restraining order statute to add much needed protections for domestic violence victims. This bill makes several improvements to the statute. There is one in particular which I would like to discuss.

C. G.S. 46b-15 is the statute which gives the Superior Court the authority to issue a civil restraining order upon the application of a victim of domestic violence. When a restraining order is granted by the court, the clerk of the court sends a copy of the order to the victim, and to the local enforcement agency for the town where the victim resides. If the defendant resides in a different town the restraining order is also sent to the law enforcement agency for that town. Upon the request of the victim, the restraining order is also sent to the law enforcement of the town where the victim works if it is different from the town in which the victim resides.

Through amendments over the years, the statute has incrementally provided better protections by having the restraining order on file with the law enforcement where a violation is most likely to occur. This has improved safety of victims with quicker responses to threatening situations. Typically an abuser will go after the victim at their residences or their workplaces.

It is also very common for an abuser to go after their victim at a school or other educational program where the victim attends. One of the additional protections that this bill provides is that the clerk of court will also send a copy of the restraining order to the school or special police force that that school if there is one. This provision is a much needed improvement to the statute. I have had a lot of experiences with abusers showing up at schools.

However, something very important is left out. Abusers not only show up at educational facilities where the victim resides, but also go to child care centers and schools where the children attend. If there are children of the parties or involved in the family dynamic, it is very common for abusers to use the children to get at their victim. Children are often put in the middle of a horrible situation and used as pawns in an abusive relationship.

So, to improve these notice provisions in this bill and to better protect children, I am suggesting that at the end of the new sections which require the clerk of court to send a copy of the restraining order to a school where the victim is enrolled at the request of the victim, language should be added stating that: "**At the request of the victim, any order of protection which includes any protections for any child listed on the order shall be sent by the clerk of court to any school, preschool, day care, or other such facility where the child is enrolled or attends**." This one sentences should be added to the bill in the two places in the bill that provide for the clerk to send the order to a school attended by the victim. Once again, all three of the major legal services organizations support this bill and are in agreement that this sentence should be added. By adding this little sentence we will be giving a big safety valve for children.

Thank you and if anyone has any questions I will be glad to respond.

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March 23, 2012

Judiciary Committee

Testimony of Michael Burns in support of H.B. 5548 An Act Concerning Domestic Violence

Senator Coleman, Representative Fox, Senator Doyle, Representative Holder-Winfield, Senator Kissel, Representative Hetherington, and members of the Committee.

My name is Michael Burns, and I am an attorney at Connecticut Legal Services, Inc. I have been representing victims of domestic violence for 25 years and I am here on behalf of the 3 major legal services organizations in Connecticut to testify in support of House Bill 5548 An Act Concerning Domestic Violence. Connecticut Legal Services, Inc., Greater Hartford Legal Aid, and New Haven Legal Assistance all are in support of this bill. The purpose of this bill is to implement some of the recommendations of the legislative task force on domestic violence. The task force should be complimented for its work. Among other things, this bill makes several improvements regarding civil restraining orders and criminal protective orders. There is one in particular improvement which I would like to discuss.

When a restraining order or protective order is granted by the court, the clerk of the court sends a copy of the order to the victim, and to the local law enforcement agency for the town where the victim resides. If the defendant resides in a different town the restraining order is also sent to the law enforcement agency for that town. Upon the request of the victim, the order is also sent to the law enforcement agency of the town where the victim works, if it is different from the town in which the victim resides.

Through amendments over the years, the law has incrementally provided better protections by having restraining orders and protective orders on file with the law enforcement agency where a violation is most likely to occur. This has improved safety of victims with quicker responses to threatening situations. Typically an abuser will go after the victim at their residences or their workplaces.

It is also very common for an abuser to go after their victim at a school or other educational program where the victim attends. One of the additional protections that this bill provides is that the clerk of court will also send a copy of the order to the school or special police force for that school, if there is one. This provision is a much needed improvement. I have had a lot of experiences with abusers showing up at schools.

However, something very important is left out. Abusers not only show up at educational facilities where the victim can be located, but also go to schools and child care centers where the children are. If there are children of the parties, or if there are children involved in the family dynamic, it is very common for abusers to use the children to get at their victim. Children are often put in the middle of a horrible situation and used as pawns in an abusive relationship.

So, to better protect children, I am suggesting that at the end of the new sections which require the clerk of court to send a copy of the order to a school where the victim is enrolled at the request of the victim, language should be added stating that: "**At the request of the victim, any order of protection which includes any protections for any child listed on the order shall be sent by the clerk of court to any school, preschool, day care, or other such facility where the child is enrolled or attends**." This one sentence should be added to the bill in the two places in the bill that provide for the clerk to send the order to a school attended by the victim. Once again, I am testifying in support of House Bill 5548.

By adding this little sentence we will be providing better protection for children.

Thank you and if anyone has any questions I will be glad to respond.

Written Testimony for the Record Submitted by
Kathie Berkel
On behalf of the
Connecticut Coalition Against Domestic Violence

Submitted to the
Joint Committee on Judiciary

Hearing on
H.B. No. 5548 (RAISED) AN ACT CONCERNING DOMESTIC VIOLENCE

Hearing Held March 23, 2012
Written Testimony Submitted March 23, 2012

Co-Chairman Coleman, Co-Chairman Fox and Members of the Committee,

I am pleased to have the opportunity to present testimony today on behalf of the Connecticut Coalition Against Domestic Violence (CCADV) on Bill #5548. An Act Concerning Domestic Violence.

I commend you, Co-Chairmen Coleman and Fox and the entire Committee for holding this important hearing, which provides a useful forum to examine the need for additional protections for victims of domestic violence in the state of Connecticut

I work as the Family Violence Victim Advocate Supervisor for the Women's Center of Southeastern Connecticut, one of the 18 member organizations represented by CCADV As a Coalition, we work tirelessly to change social conditions through advocacy, public awareness, technical assistance and education

Because of my standing within the community, I was given the honor of serving on the Task Force on Law Enforcement Response to Family Violence. This working group was made up of a broad array of stakeholders from around the state, including legislators, prosecutors, advocates, and law enforcement officials We were assigned a dual mission; first, we were asked to evaluate existing policies and procedures used by law enforcement agencies when responding to incidents of family violence and violations of restraining and protective orders Secondly, we were tasked with developing a state-wide law enforcement model policy for use by law enforcement agencies when responding to those incidents

Based on our findings during the course of our work on the Task Force, we recommended that the following steps be taken in order to ensure that victims receive consistent treatment across the state, rather than being considered differently depending on where in Connecticut the incident takes place

- Establish consistent procedures for the enforcement of protective orders.
- Develop procedures for "officer-involved" domestic violence cases
- Establish procedures for a defendant's return to the residence to retrieve belongings
- Define protocols for seizure of firearms and electronic defense weapons

- Develop procedures related to interactions with victims and witnesses with questionable immigration status
- Designate domestic violence liaisons within each police department
- Clarify procedures for multiple jurisdiction responsibility coordination
- Require 4 ½ hours of domestic violence training out of the 60 hours of mandatory continuing education for established officers.
- Define arrest procedures
- Revise the DPS 230 form to include a section to document the reason for the dual arrest

But above all, the Task Force recommended the establishment of a similarly diverse Family Violence Model Policy Governing Council, which would continuously evaluate police domestic violence policies and procedures, review and update the Model Policy to keep abreast of relevant Connecticut laws, and evaluate the accuracy of the data used to make domestic violence policy decisions. By passing this bill, the legislature will be putting into place for the foreseeable future an invaluable mechanism for improving the safety of domestic violence victims and the consistency of law enforcement response to domestic violence incidents

Additionally, this bill is important for victim safety planning because it would allow the Judicial branch to disclose non-conviction information regarding domestic violence abusers to victim advocates It is important to note that victims would not have access to this information, so the other party's privacy would not be placed in jeopardy This provision would simply allow advocates to put together more effective safety plans for domestic violence victims and their minor children, by giving the advocates deeper insights into the individual's past police and court involvement.

A pattern of abuse is a significant lethality indicator and knowledge of prior police or court involvement is essential for court-based victim advocates to effectively perform the task that the state has contracted with them to provide. Where there is a history or pattern of violence, an advocate will push harder for the victim to engage in a more intensive safety planning process In order to keep victims and their children safe from abusers whose past run-ins with the criminal justice system are currently hidden from view, the legislature needs to pass this bill

CCADV stands ready to support HB5548 and any additional measures that help improve the protections and services offered to victims of domestic violence in the state of Connecticut We invite the Committee to reach out to CCADV for expertise on all legislation that potentially impacts the rights of these victims, and look forward to a close working relationship in the future

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LINE 10

STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE
505 HUDSON STREET, HARTFORD, CONNECTICUT 06106

Michelle S. Cruz, Esq.
State Victim Advocate

Testimony of Michelle Cruz, Esq., State Victim Advocate
Submitted to the Judiciary Committee
Friday, March 23, 2012

Good afternoon Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. 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 House Bill No. 5548, *An Act Concerning Domestic Violence* **(Proposed Amendments)**

The Office of the Victim Advocate (OVA), on behalf of the many victims of domestic violence the OVA has assisted, would like to thank the continued efforts of the Speaker's Task Force on Domestic Violence to improve the state's response to domestic violence. The OVA, again this year, submitted several legislative initiatives to the Task Force for consideration. The OVA greatly appreciates the collaborative path in which the Task Force operates and the inclusive and holistic vision demonstrated within their recommendations.

Section 1 of House Bill No. 5548 will extend the time period of a restraining order from six months to one year. This simple and logical change will (1) provide domestic violence victims with an enforceable safety measure for a reasonable period of time as they reassemble their lives in an effort to be free from abuse and (2) save the state money as a majority of restraining order applicants will apply for more than one restraining order within a year's time. Each new restraining order granted by the court must be served by a state marshal upon the respondent, which the state pays for. Lengthier restraining orders equals a reduction in the numbers of orders requiring service equals a savings to the state. Further, the Judicial Branch will likely experience a reduction of restraining order applications and fewer protracted restraining order hearings. Undoubtedly, this will ease the already overburdened family case dockets.

Section 2 through 4 of House Bill No. 5548 will eliminate the age barrier for victims of family violence seeking protection from abuse. As we have recognized the need to increase awareness of dating violence among our youth, at the same time, we must also provide meaningful protections to enhance the safety of our youth. Additionally, currently, at the request of the victim, the law enforcement agency in the town where the victim is employed is notified of an order of protection. Notification to the law enforcement agency in the town where the victim attends school or notification to the school directly, at the victim's request, is of equal importance.

Section 5 of House Bill No 5548 will require the bail commissioner to consider the safety of any other person, in addition to ensuring a defendant's appearance in court, when setting bond and issuing the conditions of release. Currently, law enforcement may consider the safety of the victim in family violence cases, when setting bond and conditions of release. The court may also consider the safety of any person when setting bond and issuing conditions of release. It seems illogical for the bail commissioner to be limited in its considerations; Section 5 will bridge the gap of protection for victims when a bail commissioner is considering a defendant's bond and conditions of release.

Section 6 of House Bill No. 5548 seemingly attempts to further limit a defendant's eligibility for the family violence education program when charged with an offense which involved the infliction of serious physical injury. Currently, a defendant is ineligible for the program if charged with a class A, class B or class C felony. In most cases, an offense which involved serious physical injury will be classified as a class A, B or C felony, rendering the defendant ineligible based on the class of felony. For example:

- Assault 1st – "A person is guilty of assault in the first degree when: (1) with intent to cause *serious physical injury* to another person, he causes such injury to such person..." Class B felony
- Strangulation 1st – "A person is guilty of strangulation in the first degree when such person commits strangulation in the second degree as provided in section 53a-64bb and (1) in the commission of such offense, such person (A) uses or attempts to use a dangerous instrument, or (b) causes *serious physical injury* to such other person..." Class C felony

In cases where a defendant has been charged with a class D felony AND has inflicted serious physical injury, such as Assault 2nd (53a-60), the court must find "good cause" to invoke the family violence education program. However, it has been the experience of the OVA, and well documented through court transcripts, that this requirement to establish "good cause" is not being enforced. Additionally, Section 6, as proposed, will create a conflict within the statute itself. To remedy this conflict in the proposal and achieve the intended purpose, on line 232, strike the language "or unless good cause is shown," (see attached proposed amendment). This change will then limit the eligibility for the family violence education program to defendants who are (1) first time domestic violence offenders and (2) charged with less serious domestic violence offenses. After all, this was the original intent of the creation of the family violence education program when adopted in 1986.

Section 8 of House Bill No. 5548 seeks to clarify that when a person listed as the protected person on an order of protection receives an electronic or telephonic communication from the subject of the order, in violation of the order of protection, may file a complaint for the alleged violation with the law enforcement agency for the town in which (1) the protected person resides; (2) the protected person received the message; or (3) where the communicated was initiated. The proposed language, however, needs further clarification as it does not clearly identify the "protected person" and the "subject of the order of protection". I have attached a proposed amendment with language that will provide clarification and achieve the intended purpose of Section 8

Section 10 of House Bill No. 5548 adds to the threatening first degree offenses to include that when the person commits threatening in the second degree and in the commission of the offense, the person uses, is armed with or threatens the use of a firearm. Currently, a person that threatens another person, regardless of whether the person uses, is armed with or threatens the use of a firearm, can only be charged with the offense of threatening in the second degree, which is an A misdemeanor. There is no doubt that a threat made against a person involving the use of or threatened use of a firearm holds an increased level of imminent threat than that of a threat made without the use of or threatened use of a firearm. Imagine a victim having a gun held to their head by a person and informed later that the only criminal charge available to law enforcement relating to the offense is threatening second degree, a class A misdemeanor. Additionally, the penalty should be reflective of the offense. To that end, I request the Committee further amend subsection (c) of Section 10 of House Bill No. 5548 to include an enhanced penalty for a person convicted of the crime of threatening with the use of or threatened use of a firearm (see attached amendment).

Section 11 of House Bill No. 5548 seeks to expand stalking first degree to include that a person convicted for a previous conviction of stalking second degree **and** stalking third degree would constitute a charge of stalking first degree. As technology has advanced and stalking predators have advanced, so too must the laws to protect victims of stalking. While legal definitions of stalking vary, the National Center for Victims of Crime (NCVC) provides a good working definition of stalking as *a course of conduct directed at a specific person that would cause a reasonable person to feel fear* Research shows that two-thirds of stalkers pursue their victims at least once per week, many daily, using more than one method and that seventy-eight percent of stalkers use more than one means of approach. These methods and means of approach have expanded well beyond the stereotypical "follows or lies in wait" methods contained in Connecticut's current stalking statutes. In fact, with advances in technology, a stalker can be hundreds of miles away and continue to stalk, threaten, harass and intimidate his/her victim. It is the result of the stalking behavior that one needs to examine rather than the actual actions of the stalker—*a course of conduct directed at a specific person that would cause a reasonable person to feel fear.*

Statistics further demonstrate that one in four victims report being stalked through the use of some form of technology, such as e-mail or instant messaging. Ten percent of victims report being monitored with global positioning systems (GPS), and eight percent report being monitored through video or digital cameras, or listening devices [1] Those numbers are likely much higher now as we are well into 2012 The impact on stalking victims can range from anxiety, insomnia, social dysfunction, and severe depression. One in seven stalking victims move as a result of their victimization and one in eight employed stalking victims lose time from work as a result of their victimization; more than half lose five days of work or more.

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[1] Katrina Baum et al., "Stalking Victimization in the United States," (Washington, DC·BJS, 2009)

Stalking is a serious crime that it is often viewed unrealistically. When stalking is depicted as romantic or comical, or used casually to sell services and merchandise, it can be damaging and hurtful for victims and survivors. A leading department store once sold graphic tee shirts that said, "Some call it stalking, I call it love." Additionally, it can influence our perceptions of stalking, minimizing or trivializing this very dangerous and potentially lethal behavior Intimate partner stalkers frequently approach their victims and their behaviors escalate quickly. Intimate partner stalking is often initiated during the relationship For example, one study found that fifty-seven percent of stalking victims were stalked during the relationship. Another study found that between sixty-three and sixty-nine percent of attempted intimate partner murders or murders by their partners were stalked while in the relationship.

Connecticut is often far ahead of the nation when it comes to the recognition of social and trending issues. For example, Identity theft has surfaced as one of the fastest growing crimes in the nation. Connecticut responded with laws, severe penalties and tools to assist victims in the recovery of their good name and credit. Stalking victims are now in need of the same; in some cases, it can be a matter of life or death. The OVA is supporting the Connecticut Sexual Assault Crisis Services, Inc. proposed language (see attached proposed amendment) and encourages the Committee to do the same.

Section 13 of House Bill No. 5548 permits the family violence victim advocates, pursuant to an agreement with the Judicial Branch, to access nonconviction information in order for the advocates to assist victims develop a safety plan. The advocate is then duty bound to maintain the confidentiality of the information. Many victims of domestic violence fall into dangerous relationships without having the benefit of knowing the true history of the abuser. The OVA supports the proposal as it will provide the advocate with information that may or may not be known to the domestic violence victims, but crucial in developing a comprehensive safety plan. The proposal will allow the advocate to access information to enhance the safety of the victim and his/her children.

Last year, the General Assembly made significant improvements to the bail/bond requirements in response to considerable failures identified in the current, illegal practices of many of the licensed bail/bondsmen in Connecticut. To ensure compliance with the new requirements, the OVA met with the representatives of the Department of Insurance, who license bail/bondsmen. The OVA worked in collaboration with the Department of Insurance to enhance the training to current and future bail/bondsmen regarding their responsibilities when bonding out an offender, especially in cases involving domestic violence. As a result of this collaboration, the OVA learned that the Department of Insurance is at an extreme disadvantage when it comes to accessing information about current licensed bail/bondsmen. The OVA's review of the current licensed bail/bondsmen showed that many had obtained criminal felony convictions AFTER the issuance of their license. Those convictions, if known by the Department of Insurance, may have resulted in a revocation of their license. The current system relies on the bail/bondsmen to report any new arrests and convictions during the licensure period. The Department of Insurance is not able to readily access this information, unless and until, the license is scheduled for renewal, which is every two years.

In order for the Department of Insurance to properly monitor the licensed bail/bondsmen, the Department of Insurance must have access to nonconviction information. This information would allow the Department of Insurance to be informed of new arrests, follow the criminal matter, and if the bail/bondsmen obtains a felony conviction, or disqualifying misdemeanor conviction, appropriately respond in a timely manner. The proposed amendment (see attached) recommends the addition of employees of the Department of Insurance to allow such employees to ensure that any bondsmen licensed by the state has complied with the requirements to disclose information of a new arrest(s) from the original issuance of such license.

Section 16 of House Bill No. 5548 will expand the eligibility for victim compensation to children who witness domestic violence, including children who are not related to the victim. The OVA understands the intent of the proposal and recognizes the significant need to ensure that any child exposed to trauma has the resources available to access therapeutic services. The OVA also acknowledges that there are many different populations of "tertiary" victims, including children. However, the crime victim compensation fund is limited. It is limited to direct victims who sustain physical injury; limited to immediate family members only in cases involving a homicide; limited to assist with medical and other expenses related to the crime; limited to assistance with funeral expenses; it is limited.

Throughout the years, many studies have been conducted regarding the affects on children of incarcerated parents and children exposed to violence, especially those in urban environments and domestic violence households. As a result, many programs have been implemented to assist and support those children who otherwise may fall through the cracks of the system. However, very few, if any, research has been done regarding the affects of crime on children, especially the surviving children of homicide victims.

To fully understand this issue, the best response would be to bring together all of the key stakeholders and conduct a study that includes the impact of crime on children, both short and long term; an evaluation of the current services that are available; an evaluation of the compliance with crime victims' constitutional rights; trends throughout the nation; national survey of services; short and long term impact on tertiary victims, including communities; and report the findings of the study with recommendations to develop and improve Connecticut's response to victims of crime. Now is the time to really look at and study the impact that crime has had on children in Connecticut.

Finally, Section 17 of House Bill No. 5548 is the result of the hard work of the Statewide Model Policy for Law Enforcement's Response to Incidents of Domestic Violence Task Force. Largely in response to the increase in domestic violence fatalities, and as a result of the OVA's investigation reports, *The Murder of Jennifer Gauthier Magnano* and *The Murder of Tiana Notice*, the Speaker's Task Force on Domestic Violence recommended the development and implementation of a statewide model policy for Law Enforcement's response to incidents of domestic violence. Section 17 requires each law enforcement agency to develop and implement specific operational guidelines

for arrest policies in family violence incidents, which at minimum meet the standards set forth in the model policy developed by the Task Force. The OVA recommends that the Committee remove the language "meet the standards set forth in" on line 565-566; and insert "adopt" (see attached proposed amendment). The Task Force worked diligently for months on the development of a statewide model policy. The reason—to ensure that all law enforcement agencies in the state were responding to incidents of domestic violence in the same manner and that the best practices known and available were being utilized. As proposed, Section 17 unintentionally undermines and minimizes the work of the Task Force. There should be no ambiguity in any law enforcement's departmental polices for responding to incidents of domestic violence.

It has been demonstrated time and time again, that incidents of domestic violence run across jurisdictional lines, and if there is not a consistent, coordinated response, fatalities will occur. The Speaker's Task Force on Domestic Violence has worked tirelessly to ensure that Connecticut is at the forefront in its response to end domestic violence. Each law enforcement agency must be required to, at minimum, adopt the statewide model policy.

Thank you for consideration of my testimony.

Respectfully submitted,

Michelle S. Cruz

Michelle Cruz, Esq.
State Victim Advocate

Michelle Cruz, Esq
State Victim Advocate

Proposed Amendment to
House Bill No. 5548
Offered by
Michelle Cruz, Esq, State Victim Advocate
Office of the Victim Advocate

Further amend the section and strike the bracketed language (in red)

Sec. 6. Subsection (h) of section 46b-38c of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(h) (1) There shall be a pretrial family violence education program for persons who are charged with family violence crimes. At a minimum, such program shall inform participants of the basic elements of family violence law and applicable penalties. The court may, in its discretion, invoke such program on motion of the defendant when it finds: (A) That the defendant has not previously been convicted of a family violence crime which occurred on or after October 1, 1986; (B) the defendant has not had a previous case assigned to the family violence education program; (C) the defendant has not previously invoked or accepted accelerated rehabilitation under section 54-56e for a family violence crime which occurred on or after October 1, 1986; and (D) that the defendant is not charged with a class A, class B or class C felony, or an unclassified felony carrying a term of imprisonment of more than ten years, [or unless good cause is shown,] a class D felony, [or] an unclassified offense carrying a term of imprisonment of more than five years or an offense which involved the infliction of serious physical injury, as defined in section 53a-3. Participation by any person in the accelerated pretrial rehabilitation program under section 54-56e prior to October 1, 1986, shall not prohibit eligibility of such person for the pretrial family violence education program under this section. The court may require that the defendant answer such questions under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under the penalties of perjury as will assist the court in making these findings.

(2) The court, on such motion, may refer the defendant to the family violence intervention unit, and may continue the defendant's case pending the submission of the report of the unit to the court. The court shall also give notice to the victim or victims that the defendant has requested assignment to the family violence education program, and, where possible, give the victim or victims opportunity

to be heard. Any defendant who accepts placement in the family violence education program shall agree to the tolling of any statute of limitations with respect to the crime or crimes with which the defendant is charged, and to a waiver of the defendant's right to a speedy trial. Any such defendant shall appear in court and shall be released to the custody of the family violence intervention unit for such period, not exceeding two years, and under such conditions as the court shall order. If the defendant refuses to accept, or, having accepted, violates such conditions, the defendant's case shall be brought to trial. If the defendant satisfactorily completes the family violence education program and complies with the conditions imposed for the period set by the court, the defendant may apply for dismissal of the charges against the defendant and the court, on finding satisfactory compliance, shall dismiss such charges.

(3) Upon dismissal of charges under this subsection, all records of such charges shall be erased pursuant to section 54-142a.

Strike Section 8 in its entirety and insert the following in lieu thereof:

Sec. 8. (NEW) (*Effective October 1, 2012*) Any person listed as the protected party on an order of protection who receives an electronic or telephonic communication by the subject of the order of protection in violation of section 53a-223, 53a-223a or 53a-223b of the general statutes may file a complaint reporting such alleged violation with the law enforcement agency for the town in which (1) such protected person resides, (2) such protected person received the communication, or (3) such communication was initiated. Such law enforcement agency shall accept such complaint, prepare a police report on the matter, provide the complainant with a copy of such report and investigate such alleged violation and any other offenses allegedly committed as a result of such violation and shall, if necessary, coordinate such investigation with any other law enforcement agencies and, upon request of the complainant, notify the law enforcement agency for the town in which the complainant resides.

Add new language to subsection (c):

Sec. 10. Section 53a-61aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) A person is guilty of threatening in the first degree when such person (1) (A) threatens to commit any crime involving the use of a hazardous substance with the intent to terrorize another person, to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or (B) threatens to commit such crime in reckless disregard of the

risk of causing such terror, evacuation or inconvenience; [, or] (2) (A) threatens to commit any crime of violence with the intent to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or (B) threatens to commit such crime in reckless disregard of the risk of causing such evacuation or inconvenience; or (3) commits threatening in the second degree as provided in section 53a-62, and in the commission of such offense he uses or is armed with and threatens the use of or displays or represents by his words or conduct that he possesses a pistol, revolver, shotgun, rifle, machine gun or other firearm. No person shall be found guilty of threatening in the first degree under subdivision (3) of this subsection and threatening in the second degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

(b) For the purposes of this section, "hazardous substance" means any physical, chemical, biological or radiological substance or matter which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health.

(c) Threatening in the first degree is a class D felony. Any person convicted under subdivision (3) of subsection (a) of this section, as amended, shall be guilty of a class C felony and be sentenced to a period of incarceration of which two years may not be suspended or reduced by the court.

Strike Section 11 in its entirety and insert the following and renumber the remaining sections:

Sec. 11. Section 53a-181c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) A person is guilty of stalking in the first degree when he commits stalking in the second degree as provided in section 53a-181d and (1) he has previously been convicted of [this section or] a violation of section 53a-181d, or (2) such conduct violates a court order in effect at the time of the offense, or (3) the other person is under sixteen years of age.

(b) Stalking in the first degree is a class D felony.

Sec. 12. (NEW) (*Effective October 1, 2012*) Definitions. As used in this section, the following terms have the following meanings:

(1) "Course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communicates with, or sends unwanted gifts to, a person, or interferes with a person's property.

Sec. 14. Section 53a-181d of the general statutes is repealed and the following is substituted in lieu thereof: (*Effective October 1, 2012*):

(a) A person is guilty of stalking in the second degree when [he, with intent to cause another person to fear for his physical safety, wilfully and repeatedly follows or lies in wait for such other person and causes such other person to reasonably fear for his physical safety.] such person knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to:

(1) fear for his or her safety or the safety of a third person

(2) fear that such person's employment, business or career is threatened, where such conduct consists of appearing at, telephoning to or initiating communication or contact at such other person's place of employment or business, and the actor was previously clearly informed to cease such conduct

(b) Stalking in the second degree is a class A misdemeanor.

Sec. 15. Section 53a-181e of the general statutes is repealed (*Effective October 1, 2012*):

Add new language (in blue) to Section 13

Sec. 13. Section 54-142m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) A criminal justice agency holding nonconviction information may disclose it to persons or agencies not otherwise authorized (1) for the purposes of research, evaluation or statistical analysis, or (2) if there is a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to such agreement. The Judicial Branch may disclose nonconviction information to a state agency pursuant to an agreement to provide services related to the collection of moneys due. Any such disclosure of information shall be limited to that information necessary for the collection of moneys due. Pursuant to an agreement, the Judicial Branch may disclose nonconviction information to the Department of Mental Health and Addiction Services for the administration of court-ordered evaluations and the provision of programs and services to persons with psychiatric disabilities and substance

abuse treatment needs. Pursuant to an agreement, the Judicial Branch may disclose nonconviction information to **(1)** advocates for victims of family violence to allow such advocates to develop plans to provide for the safety of victims and victims' minor children, provided such agreement prohibits such advocates from disclosing such nonconviction to any person, including, but not limited to, a victim of family violence **and (2) employees of the Department of Insurance to allow such employees to ensure that any bondsmen licensed by the state has complied with the requirements to disclose information of a new arrest(s) from the original issuance of such license, provided such agreement prohibits any employee of the Department of Insurance from disclosing such nonconviction to any person**

(b) No nonconviction information may be disclosed to such persons or agencies except pursuant to a written agreement between the agency holding it and the persons to whom it is to be disclosed.

(c) The agreement shall specify the information to be disclosed, the persons to whom it is to be disclosed, the purposes for which it is to be used, the precautions to be taken to insure the security and confidentiality of the information and the sanctions for improper disclosure or use.

(d) Persons to whom information is disclosed under the provisions of this section shall not without the subject's prior written consent disclose or publish such information in such manner that it will reveal the identity of such subject.

Delete the strike out language (in red) and insert the new language (in blue)

Sec. 17. Subsection (e) of section 46b-38b of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(e) (1) Each law enforcement agency shall develop, in conjunction with the Division of Criminal Justice, and implement specific operational guidelines for arrest policies in family violence incidents. Such guidelines shall include, but not be limited to: (A) Procedures for the conduct of a criminal investigation; (B) procedures for arrest and for victim assistance by peace officers; (C) education as to what constitutes speedy information in a family violence incident; (D) procedures with respect to the provision of services to victims; and (E) such other criteria or guidelines as may be applicable to carry out the purposes of sections 46b-1, 46b-15, as amended by this act, 46b-38a to 46b-38f, inclusive, as amended by this act, and 54-1g. Such procedures shall be duly promulgated by such law enforcement agency. On and after October 1, 2012, each law enforcement agency

shall develop and implement specific operational guidelines for arrest policies in family violence incidents which, at a minimum, ~~meet the standards set forth in~~ **adopt** the model law enforcement policy on family violence established in subdivision (2) of this subsection.

(2) There is established a model law enforcement policy on family violence for the state. Such policy shall consist of the model policy submitted by the task force established in section 19 of public act 11-152 on January 31, 2012, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary, except that on and after October 1, 2012, the model law enforcement policy on family violence, as amended by the Family Violence Model Policy Governing Council established pursuant to section 17 of this act, shall be the model law enforcement policy on family violence for the state.

[(2)] (3) On and after July 1, 2010, each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously process, upon request of a victim of family violence or other crime who is applying for U Nonimmigrant Status (A) a certification of helpfulness on Form I-918, Supplement B, or any subsequent corresponding form designated by the United States Department of Homeland Security, confirming that the victim of family violence or other crime has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the criminal activity, and (B) any subsequent certification required by the victim.

(4) Not later than July 1, 2013, and annually thereafter, each law enforcement agency shall submit a report to the Commissioner of Emergency Services and Public Protection, in such form as the commissioner prescribes, regarding the law enforcement agency's compliance with the model law enforcement policy on family violence for the state.

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 Committee in support of:

HB 5548, *AAC Domestic Violence*

March 23, 2012

Good morning Representative Fox, Senator Coleman and members of the Judiciary Committee. I appreciate the opportunity to express my support for one of the many important proposals before you this session.

This legislation builds on a multi-year bipartisan effort to improve the state's response to domestic violence. HB 5548, along with a bill that was voted out of the Human Services Committee yesterday, comprise the 2012 legislative recommendations of the Speaker's Task Force on Domestic Violence. The bipartisan task force has met with many advocates, survivors, judges, prosecutors, attorneys, law enforcement officers, support service providers, and state agency staff. In 2010, this input helped shape the most sweeping changes to our domestic violence statutes since the Tracey Thurman Law passed in 1986. We have seen a lot of progress since 1986, but tragically, domestic violence continues to plague families in all of our communities.

Domestic violence is a pattern of abusive behavior between partners where one person uses physical, sexual, psychological, financial or verbal abuse to try to control the other. The victim feels powerless, intimidated and dependent on the abuser, making it hard to leave the relationship So when a victim has worked up the courage to call police, to request a restraining order, or leave her home, we want to make sure that services are in place to support a victim's efforts.

HB 5548 includes a number of measures to support victims, police officers, advocates and other front-line service providers. This bill gives police officers new tools for responding to incidents of domestic violence. We owe it to victims to train police in best practices so that they can respond to calls speedily and appropriately. We also ask a lot of our police when they are sent out to domestic violence incidents. They are often walking into a home where they must instantaneously assess risk, identify and protect the victims and enforce our statutes. This fall the Task Force on Law Enforcement Response to Family Violence (LERFV), which included representatives of the police, victim advocates, the Judicial Branch, the Chief State's Attorney and the Chief Public Defender, met to discuss these complex and important issues. The group issued recommendations concerning training, arrest procedures, data collection, enforcement of protective orders, and drafted a uniform model policy for police across the state to use in responding to domestic violence incidents

Many of the LERFV Task Force's recommendations have been incorporated into HB 5548, including a requirement that police departments develop and implement operational guidelines for arrest policies in family violence incidents that meet the standards included in the Model Policy developed by the LERFV Task Force This provision sets a uniform standard, but gives police the flexibility to tailor implementation to fit their departments. The bill also establishes a Family Violence Model Policy Governing Council to update the model policy going forward and review relevant data

HB 5548 also takes several steps to improve the enforcement of restraining and protective orders. It gives victims new options for reporting email, phone and text message violations of orders. Victims have indicated there has been confusion about the appropriate place to report electronic and telephonic violations of orders. This legislation permits them to report such violations in the town where they reside, where they receive the communication or where the communication was initiated.

The bill also requires that the court share a protective order with the school or college that a victim attends, upon request of a victim. Current law requires that orders be shared with the police departments in the town where the victim lives and works and the town where the defendant lives, but it does not require that schools or campus police are notified of an order. The legislation also permits judges to issue restraining orders for up to one year. Currently the maximum length of a restraining order is six months. This change will reduce stress and risk to victims who will have to return to court and interface with their offenders less frequently

The bill creates a felony crime of threatening in the first degree for threats that involve the use or attempted use of a firearm. Threatening is often a precursor to serious violence Under current law, threatening with a firearm falls under a misdemeanor threatening charge, even though it may put the victim at a heightened degree of risk.

This legislation also commissions a feasibility study of 911 texting. We have seen numerous cases where enabling a victim to contact police for assistance without making a phone call could have made all the difference in a victim's safety. At this time, there are a number of technical and infrastructure barriers to implementing 911 texting statewide, but the bill takes steps to make progress in this area.

Finally, we need to continue to make progress on domestic violence dockets and GPS monitoring of offenders. Domestic violence dockets use a multidisciplinary team approach and include state's attorneys, family violence victim advocates, family relations counselors, probation officers, law enforcement personnel, and judges. Team members share information and provide recommendations to the court. There are eight remaining criminal courts without domestic violence dockets. In addition, the GPS pilot conducted in 2010 and 2011 showed that this approach to monitoring and providing follow-up to high risk offenders is effective, but requires additional staff resources. Although funds are tight, I am confident that working collaboratively, we can identify partnerships to support these important tools.

I would like to take this opportunity to express my appreciation to Representative Gerald Fox and Senator Coleman for their work on these issues over the last several years. I would also like to commend Representative Mae Flexer, Chair of the Domestic Violence Task Force and the many members who are working to prevent and address domestic violence in our communities. I urge your support for these critical proposals.

Center for Youth Leadership
Stamford Youth Services Bureau

Why wait for someone else to make a difference?

Connecticut Legislature: Judiciary Committee

Testimony in Support of Raised HB 5548:
An Act Concerning Domestic Violence
March 23, 2012

Sam Lyman and Mallory Ham

Hi Senator Coleman, Representative Fox, and members of the committee. We have special greetings for Representative Morris, who is from our district in Norwalk; and Representative Flexer and Senator Gerratana, with whom we have worked on dating violence and child abuse legislation.

My name is Sam Lyman and I am a member of the Mayor's Youth Leadership Council at Stamford High School. I am joined by Mallory Ham, who is a member of the Center for Youth Leadership at Brien McMahon High School in Norwalk. On behalf of our 300 members, we are here in support of *HB 5548 - An Act Concerning Domestic Violence*; specifically, Section 4, Section 54-1k.

Dating violence is not a one-shot issue with us; we have been working on it since 2006. We lead several public awareness activities a month in our schools and hometowns. We volunteer with children twice a week at two domestic violence safe houses in Fairfield County. We worked closely with lawmakers on this and other committees to pass legislation that eventually became PA 091. And in addition to our ongoing public awareness activities, we are currently working with the Boards of Education in Stamford and Norwalk on protocols that school administrators can use when responding to teen dating violence incidents on campus.

But it was the work we did last year on legislation that became PA 152 that prompted us to ask the Speaker's Task Force on Domestic Violence to

recommend that high schools receive a copy of the restraining orders and protective orders that high school aged victims of dating violence secure against their abusive dating partners.

As you know, we are not talking about a minor issue. Dating violence is consistently listed by high school students as a leading cause of emotional distress and a contributing factor to school failure (*Madeline Wordes, "Our Vulnerable Teens," National Center for the Victims of Crime, 2002*).

In Connecticut, ten percent of teens surveyed were in a physically violent dating relationship last year; 17 percent were in an emotionally abusive dating relationship (*Department of Public Health School Survey*). And of those teens in Connecticut in violent dating relationships last year, 30 percent considered suicide, 25 percent made a suicide plan and 20 percent attempted suicide (*Ibid*).

Nationally, 43 percent of student-victims reported that at least one teen dating violence incident occurred on school grounds or during school hours (*California Women's Law Center*).

Yes, there are challenges with HB 5548, especially where high schools are concerned, but we believe it is important for people our age to have access to as many resources as possible - including restraining and protective orders - to insure our academic and emotional success. We thought one of the biggest challenges would be the federal law known as FERPA, the Family Educational Rights and Privacy Act, which determines, in part, who has access to what information about high school students. However, in meetings with school officials responsible for compliance with FERPA, we were assured that the sharing of a protective order or restraining order with high school staff would not violate federal law, as long as the order is shared only with those school officials permitted by the law.

Other issues may arise in terms of no-contact contracts between the victim and the abusive dating partner, and accommodations in terms of class schedules if both attend the same school, but we believe they can be addressed in the

protocols we are working on with the boards of education in our towns; protocols that can be adopted by other school districts.

We have the following recommendations about Section 4, Section 54-1K of HB 5548.

(1) The section seems to address protective orders only. We suggest you insert language so that the section covers protective orders ***and*** restraining orders.

(2) The course of action outlined in the section - including the mailing of a protective order or restraining order to a high school - seems to be triggered by the violation of an existing order. The course of action in this section should be triggered upon the date of the initial protective order or restraining order, or a violation of an existing protective order or restraining order.

(3) Given the restrictions of FERPA, we suggest the protective order or restraining order not be sent to a high school by fax - you never know who will see it, especially if it is not a secure line, which is likely in most high schools. Per the recommendation of school officials we met with, the order should be mailed to the high school principal, or the vice principal in charge of the victim's grade. To avoid any confusion, we suggest it be mailed to the school principal.

(4) We recommend you insert language that requires the mailing of the protective order or restraining order to a high school principal "not later than 48 hours after the issuance of the order."

(5) Please see the line that reads, "...the clerk of the court shall, upon the request of the victim, send...a copy of the order." As you know, the victim of dating violence may be a minor, so we suggest the line read, "...the clerk of the court shall, upon the request of the victim and/or the victim's parent/guardian, send...a copy of the order."

(6) We suggest you insert language that requires the judge and/or court clerk to (a) inform the victim and, when necessary, the victim's parents/guardians

that the victim may request a copy of the restraining order or protective order be sent to the school principal or appropriate school personnel, and (b) refer the victim to a domestic violence agency to learn about safety planning at school.

A larger issue not addressed by HB 5548, and one which we will work on with the Speaker's Task Force on Domestic Violence and the Connecticut Coalition Against Domestic Violence, is the absence of a mandate that requires school districts to have a dating violence policy and a protocol that guides school administrators' training in dating violence and their response to incidents on campus.

All of this is necessary because schools cannot ignore the problem of dating violence - it happens on campus; it may compromise a school's mandate to provide students with a safe learning environment; it affects a victim's ability to concentrate on classwork; and more often than not victims will come across their abusers in class, the cafeteria and in the hallways.

On behalf of our 300 members, we ask that you support the recommendations we outlined in support of HB 5548. Thanks for the opportunity to talk to you.

~ ~ ~

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CONNECTICUT
GENERAL ASSEMBLY
SENATE

PROCEEDINGS
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THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

A second item on calendar page 16 is Calendar 446, House Bill 5395. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also calendar page 16, Calendar 448, House Bill 5414. Move to place this item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 17, Calendar 451, House Bill 5548. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 18, Calendar 456, House Bill 5285. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

On page 13, Calendar 426, House Bill 5443; on page 14, Calendar 438, House Bill 5347; Page 14, Calendar 439, House Bill 5388; page 15, Calendar 441, House Bill 5501.

Also on page 15, Calendar 442, House Bill 5536; page 16, Calendar 445, House Bill 5145; page 16, Calendar 446, House Bill 5395; on page 16, Calendar 448, House Bill 5414; page 17, Calendar 451, House Bill 5548; page 18, Calendar 456, House Bill 5285.

Also on page 18, Calendar 458, House Bill 5031; on page 20, Calendar 468, House Bill 5217; page 21, Calendar 471, House Bill 5164; page 22, Calendar 476, House Bill 5263.

On page 23, Calendar 485, House Bill 5237. On page 25, Calendar 497, House Bill 5512; page 26, Calendar 502, House Bill 5497; page 26, Calendar 503, House Bill 5409.

On page 28, Calendar 512, House Bill 5424. And on page 30, Calendar 522, House Bill 5289.

THE CHAIR:

That seems correct.

Mr. Clerk, would you please call for a roll call vote on the consent calendar. (Inaudible.)

THE CLERK:

Immediate roll call has been ordered in the Senate. Will senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Gomes, would you like to vote, please. Thank you.

If all members have voted, if all members have voted, the machine will be closed.

Mr. Clerk, would you please call a tally.

THE CLERK:

On today's consent calendar,

Total Number Voting 35
Necessary for passage 18
Those Voting Yea 35
Those Voting Nay 0
Those Absent and Not Voting 1

THE CHAIR:

The consent calendar passes.

Are there any points of personal privilege or announcements? Are there any points of personal privilege or announcements?

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, Madam President, if there are no announcements or points of personal privilege, we will, of course, be in session tomorrow -- or actually it's later today but -- but not on Thursday. But --

THE CHAIR:

Okay. Promise?

SENATOR LOONEY:

-- we will -- we will convene later this morning. We will have a -- announce the Democratic caucus at eleven followed by session at noon today.

Thank you, Madam President.

With that, would move the Senate stand adjourned, subject to the call of the chair.

THE CHAIR:

So ordered, sir. Everybody drive safely.

On motion of Senator Looney of the 11th, the Senate, at 12:32 a.m. adjourned subject to the call of the chair.