Task Force on Law Enforcement Response to Family Violence
Report and Recommendations

Task Force Membership

Representative Mae Flexer, 44th District, *Co-Chair*
Karen Jarmoc, Interim Executive Director, CT Coalition Against Domestic Violence, *Co-Chair*
Michael Alevy, Office of the Chief Public Defender
Barbara Bellucci, Domestic Violence Services of Greater New Haven
Michelle Cruz, Office of the Victim Advocate
Andrea Dahms, Domestic Violence Crisis Center
Judge Robert M. Devlin, Judicial Branch
Kevin Dunn, Criminal Justice Division
Karen Gaston, Interval House
Kara Hart, Greater Hartford Legal Aid
Senator John A. Kissel, 7th District
Stanley Konesky Jr., Connecticut Police Officer Standards and Training Council
Penni Micca, Interval House
Chief Robin Montgomery, Connecticut Police Chiefs Association
Major Regina Rush-Kittle, Department of Emergency Services and Public Protection
Catherine Zeiner, Women's Center of Southeast Connecticut

Overview

The following report represents the product of the Task Force on Law Enforcement Response to Family Violence after nearly four months of work. The task force was established pursuant to PA 11-152 with two clear objectives:

1) 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, and

2) To develop a state-wide law enforcement model policy for use by law enforcement agencies when responding to incidents of family violence and violations of protective orders.

In that regard, the task force chose to focus on three areas: the model policy and dual arrest, protective orders and the bail bonds system, and training and data collection. This report provides recommendations for policy and legislative change aimed at strengthening Connecticut's provisions to assist victims of domestic violence. The task force will continue working over the next six weeks to formulate Connecticut's model policy for response to family violence.

Model Policy & Dual Arrest

The subcommittee reviewed the current Model Policy which the Police Officer Standards and Training Council utilizes, as well as the training materials utilized by the Department of Emergency Services and Public Protection (DESPP). The DPS 230 form and associated data were reviewed in addition to forms and data from other states.

Recommendations:

Dual Arrest Recommendations:

- Self defense guidelines for officers at the scene of a domestic violence incident should be more clearly explained in the model policy and should be considered when complaints of violence are made by two or more parties.

- Supervisory review of all domestic violence cases is to be encouraged.

- As data collection improves, continue to examine our state's mandatory arrest statute and other statutes related to family violence on an annual basis.

    - Rationale: Such measures are aimed at improving law enforcement's response to family violence through clarification of current law, an enhanced review process and a better understanding of the effectiveness of family violence statutes by means of better data collection.

Model Policy Statutory Recommendations:

- The General Assembly will receive a Model Policy for all law enforcement in the state of Connecticut by January 31, 2012.

- The foundation of the Model Policy will be based on the 2006 Police Officer Standards and Training Council Policy and modified.

- All law enforcement, as a minimum standard, shall meet the requirements of Connecticut's Model Law Enforcement Policy.

- The Department of Emergency Services and Public Protection will annually solicit a report from all law enforcement agencies in regard to compliance with the model policy. This solicitation will occur simultaneously with the delivery

of the annual domestic violence offenses report.

- A Family Violence Model Policy Governing Council shall be established to provide for an annual review of our state's mandatory arrest law and other statutes concerning domestic violence, and such review shall include a report to the General Assembly's Judiciary Committee.

    - Rationale: The establishment of statewide guidelines and training for law enforcement professionals, as a minimum standard, will ensure that all victims of intimate partner family violence will be met with the same clear set of procedures. An annual review of such model policy, by interested parties, will further enhance its effectiveness.

Model Policy Subcommittee Recommendations for Further Consideration[*]:

- 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.

    - Rationale: A clearly defined model policy for all law enforcement will ensure that best practice employed in the guidelines will serve to strengthen protections to victims of domestic violence in Connecticut.

[*] The Model Policy Subcommittee will continue its work for the next six weeks and draft a comprehensive model policy which will address these issues and others.

Protective Orders & Bail Bonds

The subcommittee examined the current domestic violence laws in regard to orders of protection as well as Connecticut's bail bonds system with an aim of strengthening current laws and policies.

Policy Recommendations:

- Encourage the Judicial Branch to enhance communication and feedback regarding domestic violence court proceedings and ensure more uniformity in domestic violence court proceedings:
    - Encourage the Judicial Branch to facilitate the receipt of informal and confidential feedback from court-based domestic violence advocates and victims regarding the court process and provide such appropriate feedback to judges and court personnel.
    - Encourage the Judicial Branch to retain experienced judges and prosecutors on the domestic violence docket for longer periods of time.
    - Encourage the Judicial Branch to work collaboratively with victim advocates to include in its communication that it sends to a domestic violence victim who is the subject of a protective order information in regard to how the office can address concerns the victim has regarding the protective order.
        - Rationale: Currently, there are no formalized mechanisms for the Judicial Branch and victim advocates to communicate in an on-going fashion in regard to domestic violence court proceedings, especially as it relates to consistency in the deliverance of victim safety. Recommendations in regard to enhancing communication, expertise, and uniformity are aimed at strengthening the court's response to victims.
- Encourage the Judicial Branch and the Division of Criminal Justice to enhance its domestic violence training for judges and prosecutors, respectively, in order to ensure that those with less experience with domestic violence matters have additional resources and training. Encourage the Department of Correction to develop a uniform policy to respond to inmates who violate protective orders in order to afford better protection to victims who are the subjects of such orders. Such policy might provide for the department to automatically alert the state police upon reasonable belief that an inmate has violated a protective order.

- Rationale: While much of the framework allows for protections for victims as a result of court proceedings, increased training on domestic violence for judges and prosecutors would further enhance victim safety as a heightened understanding would offer a stronger working knowledge of resources and victim safety planning. A sustaining policy within the Department of Corrections in regard to inmates who violate a protective order would serve to strengthen victim safety and offender accountability.

- Encourage the judicial branch to provide judges with a comprehensive understanding of protections allowed under Section 46b-15 of the Connecticut General Statutes.

Recommended Statutory Changes:

- Allow a victim to file a complaint reporting an alleged violation (through electronic or telephonic means, or U.S. mail) of a protective or restraining order in the town in which such person resides, in the town where the contact is received by the protected party, or where such contact was initiated. If such contact is provided to a law enforcement agency in a town where the protected party does not reside, law enforcement will provide law enforcement from the town in which the protected party resides with information in regard to such violation, if so directed by the victim.

    - Rationale: Police departments have a responsibility to document a complaint from a victim and forward it to the appropriate authority.

- Amend Section 54-63d to provide that bail commissioners determine conditions of release after taking into account the safety of other persons. This would be similar to the requirement in Section 54-64a that judges establish conditions of release sufficient to reasonably assure that the safety of any other person will not be endangered.

    - Rationale: This provision would increase the bail commissioner's ability to provide for victim safety by requiring that he/she evaluate such safety as a matter of release.

- Amend the text of protective orders and restraining orders:

    - To provide that a copy of the order be sent to any school the protected person attends, including, but not limited to, the campus police at any school, college or university at which the victim is enrolled, unless otherwise prohibited by the Connecticut General Statutes.

- To provide, if applicable, that the defendant is to remain outside the prescribed distance from the victim at any school the victim attends, including a school also attended by the defendant, unless otherwise prohibited by the Connecticut General Statutes.

    - Rationale: Such provisions would augment victim safety by further protecting victims who are enrolled in a college or university.

- Amend Chapter 961a to clarify that the Judicial Branch may disclose nonconviction information to domestic violence advocates for the purpose of planning and protecting the future safety of the victim, and require that any person receiving such nonconviction information not further disclose such nonconviction information in any way.

    - Rationale: This statutory measure is aimed at improving victim safety by allowing for enhanced and confidential information sharing.

Training & Data Collection

Training
The subcommittee examined the current domestic violence training programs offered by the Connecticut State Police Training Academy for state police officers and the Police Officer Standards and Training Council for municipal officers.

Recommendations:

- The State Police and POST should work together to develop a 'train the trainer' curriculum and a curriculum to be used statewide for basic and in-service training of officers. The development of these curricula should be completed by December 2012.

    - Rationale: Currently the State Police and POST conduct different trainings, using different curriculums. Additionally, municipal police trainings may differ from town to town and trainer to trainer. A 'Train the trainer' program would teach trainers best practices for educating law enforcement officers on how to identify and respond to domestic violence. Implementing a standard curriculum would provide an effective way of instituting training standards and responding to training needs statewide as domestic violence laws and response protocols change from year to year.

- Require annual in-service trainings for both the State Police and Local Police, including an update on statutory changes and the most up-to-date model policy. Also, encourage all departments to include their accreditation managers or personnel responsible for compiling general orders in the annual in-service training.

    - Rationale: The State Police currently require each trooper to undergo a standard domestic violence training every year. Municipal police are required to complete two hours of domestic violence training every three years. Because the relevant statutes and best practices may change from year to year, and domestic violence cases make up a large portion of local department caseloads, it would be advantageous to institute more frequent trainings.

- The police chief of each department should be responsible on an ongoing basis for providing training to supervisory personnel through the department's training division. This should include the most recent updates to statute, best practices and other related information and feedback.

- Rationale: Currently supervisors receive the same in-service training as other law enforcement officers. It would benefit them to be notified of updates and feedback on a more frequent basis, so they can share this information with their units.

- Ensure that domestic violence training includes an evaluation component.

    - Rationale: An evaluation component will provide feedback to the trainer on the effectiveness of the training.

- Encourage policies that give states attorneys a method of providing feedback to police regarding dual arrests, issues related to self-defense, report writing and other concerns that arise during their review of a domestic violence incident. Such suggestions will benefit future police investigations.

    - Rationale: The states attorneys are in a unique position to analyze police reports and gather additional information as cases proceed. Their reviews may yield critical feedback. The subcommittee suggests providing a clear mechanism for providing this information to the arresting officer.

Data Collection

The subcommittee examined the DPS 230 form, which police officers use to submit family violence offense reports. When an arrest is made, the form is submitted to the Department of Emergency Services and Public Protection and the data is entered into a database and can be exported into reports. The Judicial Branch collects separate data when staff interviews victims and defendants at arraignment for the purpose of updating case files.

Recommendations:

- Request that DESPP convene a working group, including a representative of the crimes analysis unit and the Judicial Branch, to revise the DPS 230 form. The subcommittee recommends that the working group consider the following changes: making the offenses listed on the form consistent with current statute, including recent changes to the stalking, harassment and protective order provisions; adding a field for recording an offense for each individual arrested (currently one offense is assigned to the incident); clarifying which relationships constitute 'intimate partner' relationships (in the "relationship codes" section of the form); and including a checklist of the items officers are required to provide to victims.

- Rationale: The form has not been updated since 2007, and does not reflect current statute. It would be helpful to document offenses that have recently been added to statute. It would also be valuable to collect them based on individual, so that when there are multiple arrests, the charge applied to each offender is clear.

- Require the Family Violence Model Policy Governing Council to evaluate the accuracy of the data collection and analysis and work toward more information sharing across programs.

    - Rationale: The subcommittee found that the statistics provided by DESPP and the Judicial Department were inconsistent because each department collects data using different methods for different purposes. DESPP collects data at time of arrest using the DPS 230 form and the Judicial Department collects data at time of arraignment to complete a criminal history record.