

# The Connecticut General Assembly



## Domestic Violence Criminal Justice Response and Enhancement Advisory Council

### Annual Report to the General Assembly

*Submitted January 2025*

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## **Introduction**

Pursuant to its charge under [CGS § 46b-38j](#) and in accordance with [CGS § 11-4a](#), the Domestic Violence Criminal Justice Response and Enhancement Advisory Council ("Council") is pleased to submit its annual report and recommendations to the Judiciary Committee and the Public Safety and Security Committee.

## **Executive Summary**

The purpose of the Council is to evaluate and advise on a variety of issues related to the criminal justice response to domestic violence. To that end, the Council makes the following recommendations:

- 1) Develop a standardized process and procedure, including a form, to verify successful completion of treatment provided to a defendant by a mental health provider or therapist that comports with certain topic areas that need to be covered under the domestic violence offender program standards established pursuant to CGS § 46b-38m in order for the defendant to receive a favorable disposition.
- 2) Consider amending CGS § 54-56l to give the court discretion to add a family violence component requirement to the pretrial supervised diversionary program for individuals charged with a family violence crime.
- 3) Make various updates to the model law enforcement policy on family violence established pursuant to CGS § 46b-38b to reflect recent changes in statute.
- 4) Make changes to the model law enforcement policy on family violence established pursuant to CGS § 46b-38b to address officer-involved domestic violence that involves the Chief of Police or other administrative head of a police agency, including those who may simultaneously be serving as the town's chief executive officer (e.g., mayor, town manager, town administrator, etc.).
- 5) Consider inclusion of Connecticut's Lethality Assessment Program in the model law enforcement policy on family violence established pursuant to CGS § 46b-38b as a best practice.
- 6) Research and develop best practices related to prioritization of domestic violence arrest warrants for inclusion in the model law enforcement policy on family violence established pursuant to CGS § 46b-38b.
- 7) Invite Darren Mitchell (National Council of Juvenile & Family Court Judges) to work with the Arrest Warrants & Orders of Protection – Compliance Enforcement & Outcomes Subcommittee on improving Connecticut's response to domestic violence as it relates to orders of protection and an abusers' access to firearms.
- 8) Establish a protocol within each Judicial District for the review, execution and tracking of domestic violence arrest warrants.
- 9) Establish a consistent practice statewide for domestic violence victims to request that their addresses be protected from defendants in criminal cases.

## **Council Background and Process**

The Council was established pursuant to [Public Act 23-136](#). Two existing councils, the Family Violence Model Policy Governing Council and the Domestic Violence Offender Program Standards Advisory Council, were merged under the newly created council and additional criminal justice-related issues impacting domestic violence survivors were added to the Council's call.

### ***Call of the Council:***

The Council was created for the “purpose of evaluating and advising on the following matters, including, but not limited to:

- (1) Policies and procedures used by law enforcement agencies when responding to incidents of family violence, including reviewing and updating the model law enforcement policy on family violence for the state established in section 46b-38b,
- (2) the accuracy of data collected by the Department of Emergency Services and Public Protection under section 46b-38d, and the Court Support Services Division under section 46b-38f, and collecting and analyzing any additional data related to domestic violence and the criminal justice response available from Judicial Branch court operations, state's attorneys, public defenders, domestic violence advocates, or domestic violence offender programs;
- (3) the domestic violence offender program standards established in section 46b-38m, including reviewing and updating such standards as needed;
- (4) the pretrial family violence education program established in section 46b-38c, including eligibility criteria for such program;
- (5) dedicated domestic violence dockets established in section 51-181e, including state-wide expansion of such dockets;
- (6) the use of electronic monitoring as provided in section 46b-38c;
- (7) risk assessments used throughout a family violence case from arrest through adjudication;
- (8) arrest, prosecution, penalties and monitoring for violations of family violence restraining orders issued pursuant to section 46b-15 or criminal protective orders issued pursuant to section 46b-38c, 54-1k or 54-82r issued in family violence cases;
- (9) processing and execution of arrest warrants for incidents of family violence;
- (10) monitoring compliance, enforcement and victim notification of firearm seizure and surrender in family violence cases;
- (11) programming offered to individuals convicted of a family violence crime and currently incarcerated with the Department of Correction; and,
- (12) training and education for criminal justice stakeholders including, but not limited to, training established pursuant to sections 46b-38b, 46b-38c and 46b-38i.”

### ***Council Membership:***

The Council consists of 26 members appointed by legislative leaders and state agency Commissioners. The [current list of members can be found on the Judiciary Committee's webpage](#). State Senator Mae Flexer (D-Windham) and Meghan Scanlon, President & CEO of Connecticut Coalition Against Domestic Violence, were elected by the full Council to serve as co-chairs.

### ***Council Process:***

The Council held its first meeting on October 25, 2023. Due to the large call of the Council, members opted to prioritize the following issues during its first year:

- (1) Policies and procedures used by law enforcement agencies when responding to incidents of family violence, including reviewing and updating the model law enforcement policy on family violence for the state established in section 46b-38b,
- (3) the domestic violence offender program standards established in section 46b-38m, including reviewing and updating such standards as needed;
- (8) arrest, prosecution, penalties and monitoring for violations of family violence restraining orders issued pursuant to section 46b-15 or criminal protective orders issued pursuant to section 46b-38c, 54-1k or 54-82r issued in family violence cases;
- (9) processing and execution of arrest warrants for incidents of family violence; and,
- (10) monitoring compliance, enforcement and victim notification of firearm seizure and surrender in family violence cases.

At its November 2023 meeting, the Council established three subcommittees to accomplish this work:

- Offender Intervention Standards
- Police Response to Crimes of Family Violence Model Policy
- Arrest Warrants & Orders of Protection – Compliance Enforcement & Outcomes

Council members agreed that other staff from agencies represented by the Council membership who have expertise related to the priority issue areas would be permitted to serve on the Council subcommittees.

Council members agreed that the full Council will meet at least quarterly, with the subcommittees meeting more frequently. All Council meeting materials including agendas, minutes, and presentations can be found on the [Council's page within the Judiciary Committee's webpage](#).

The full Council met a total of seven times between October 2023 and December 2024. The Council received presentations on the following topics:

- Domestic Violence GPS Program Expansion – Joseph DiTunno, Director, Judicial Branch Court Support Services Division (November 29, 2023); and,
- Orders of Protection Firearm Monitoring and Compliance Best Practices – Darren Mitchell, National Council of Juvenile & Family Court Judges (June 26, 2024).

The Offender Intervention Standards Subcommittee met a total of five times during 2024 and discussed the following topics:

- History and application of the domestic violence offender program standards established pursuant to CGS § 46b-38m;
- Potential updates and modifications to the domestic violence offender program standards;
- Availability of program providers across the state and options for assessing availability to determine where gaps in programming may exist; and,
- Supervised Diversionary Program.

The Police Response to Crimes of Family Violence Model Policy Subcommittee met a total of three times during 2024 and discussed the following topics:

- History and application of the model law enforcement policy on family violence established pursuant to CGS § 46b-38b;
- Annual updates to the model policy; and,
- Ways to strengthen the policy specific to officer-involved domestic violence that involved the Chief of Police or other administrative head of a police agency, including those who may simultaneously be serving as the town's chief executive officer (e.g., town manager, first selectman, etc.).

The Arrest Warrants & Orders of Protection – Compliance Enforcement & Outcomes Subcommittee met a total of eight times during 2024 and discussed the following topics:

- Law enforcement procedures when responding to a domestic violence call including the role of 911 operators; the assessments regarding self-defense; identifying dominant aggressors to avoid arresting both parties; completing lethality assessments, and determining if weapons can be seized;
- Monitoring and enforcement of firearms seizure in domestic violence cases and victim safety, including a presentation by the Connecticut State Police Special Licensing and Firearms Unit;
- Role of Family Services and the Family Violence Victim Advocate (FVVA) in criminal court, which, with respect to Family Services includes approximately 23,000 intakes annually that entail a pre-arraignment screen, use of a validate risk assessment tool, criminal record check, protective order recommendations and determines pre-trial diversion eligibility, and with respect to the FVVA, includes ensuring that victims are aware of their rights, providing information regarding the criminal court process and options, advocating for the victims' wishes with various court stakeholders, safety planning, and supporting the victim throughout the court process; and,
- Primary concerns of victims during the criminal court process including wanting to be safe from abuse, be empowered to make decisions that impact their safety, including the power to decide whether they want their home address to remain confidential from their abuser; wanting to confirm that their abuser has turned over firearms and remains in compliance with the court's order, and wanting the ability to seek a modification of a protective order without the need to hire an attorney or file motions.

## **Council Recommendations**

The Council makes the following recommendations:

### ***Offender Intervention Standards Subcommittee:***

- 1) Develop a standardized process and procedure, including a form, to verify successful completion of treatment provided to a defendant by a mental health provider or therapist that comports with certain topic areas that need to be covered under the domestic violence offender program standards established pursuant to CGS § 46b-38m in order for the defendant to receive a favorable disposition.**

In reviewing the history and application of the domestic violence offender program standards established pursuant to CGS § 46b-38m, the Subcommittee determined that it needed to assess the availability of program providers across the state to determine where gaps in programming may exist. The Subcommittee created and distributed a survey to various state agencies inquiring about the programs to which they refer offenders. The survey results did not yield many unknown domestic violence-specific programs, but rather identified mainly mental health provider services and individual therapists.

The Subcommittee agreed that a modified list of the major tenets of the standards will be created to inform mental health providers and individual therapists of the appropriate topics to cover during treatment. This list of major tenets, along with a newly created form, will be distributed to the defendant by the court which the therapist of the defendant's choosing will have to sign attesting to completion of treatment inclusive of the major tenets in order for the defendant to receive a favorable disposition. This would place the onus of finding an appropriate provider on the defendant and would provide the court with signed documentation of successful completion of the major tenets of the standards.

- 2) Consider amending CGS § 54-56I to give the court discretion to add a family violence component requirement to the pretrial supervised diversionary program for individuals charged with a family violence crime.**

The pretrial supervised diversionary program established pursuant to CGS § 54-56I is intended for use by defendants with psychiatric disorders that impact the defendant's ability to function, as well as veterans. Following an intimate partner homicide in Bridgeport where the offender was enrolled in the supervised diversionary program at the time of the homicide, CCADV queried Family Violence Victim Advocates and found that use of the program was inconsistent across the state, with some courts using it according to the black letter word of the statute, and other courts using it far more frequently and, possibly, incorrectly. Judicial Branch Court Support Services Division probation staff confirmed that domestic violence should not be the underlying behavior that has brought the defendant to court and, if it is, the supervised diversionary program is not appropriate.

More data may be needed to assess how frequently this program is utilized for domestic violence offenders, but its usage seems to vary from court to court. The subcommittee suggests language in the statute that the court may, if the defendant has the capacity to participate in domestic violence treatment either in concurrence with or following

completion of mental health treatment and for good cause shown, add a domestic violence component. If stabilizing the defendant and treating the underlying mental illness is necessary first, then a domestic violence component that comports with the standards shall be considered as a secondary treatment afterwards.

***Police Response to Crimes of Family Violence Model Policy Subcommittee:***

- 1) The subcommittee made the following recommended changes to the model law enforcement policy on family violence established pursuant to CGS § 46b-38b, which were unanimously accepted by the full Council at its January 31, 2024 meeting:**
  - a) Page 7. Removed “OOP” and spelled out "order of protection". Added "present or" to whether children are involved.
  - b) Page 9. Clarified the language to include violations of orders of protection as part of family violence.
  - c) Page 10. Replaced speedy information with "probable cause".
  - d) Page 16. Removed “if such a division exists language”, making it clear that an internal affairs investigation will occur.
  - e) Page 19. Updated language reflecting statewide GPS program expansion.
  - f) Page 23. Criminal possession of a firearm - updated to reflect new language in 53a-217 and 53a-217c; removed other outdated language from 2022.
  - g) Page 23. Risk Protection Order section clarified to meet existing process.
  - h) Page 25. Added "sexual violence".
  - i) Page 26. All updated language in the federal statutes. Also removed the "intentionally commits" language that is no longer part of the statute.
  - j) Page 27. Updated "Current to 2024" date on the comparison of orders of protection title.
  - k) Removed old public act references throughout the policy.
- 2) With respect to officer-involved domestic violence that involves the chief of police or other administrative head of a police agency, including those who may simultaneously be serving as the town’s chief executive officer (e.g., mayor, town manager, town administrator, etc.), the subcommittee makes the following recommendations for changes to the model policy on pages 15 & 16 under the section titled “Sworn Personnel from within the Law Enforcement Agency”:**
  - a) Under the bullet regarding notification to the chief of police, add: “In the event that the suspected domestic violence offender is the chief of police or other administrative head of the police agency, notification shall be made to the town’s chief executive officer (mayor, town manager, town administrator, etc.).”
  - b) Add new bullet: “In the event that the suspected domestic violence offender is the chief of police or other administrative head of the police agency, the matter will be referred to the state’s attorney of that jurisdiction for investigation.”
  - c) Under the bullet regarding firearm surrender, add: “In the event that the suspected domestic violence offender is the chief of police or other administrative head of the police agency, firearms shall be surrendered to the town’s chief executive officer (mayor, town manager, town administrator, etc.) or their designee. In the event that the suspected domestic violence offender is the chief of police or other administrative head of the police agency, and that individual is simultaneously

serving as the town's chief executive officer (serving as the mayor, town manager, town administrator, etc.) these firearms shall be surrendered to the town's hiring authority or administrative head of the town's governing body (such as a town council or board of selectpersons). Appropriate assistance with the safe handling of such firearms may be obtained, if needed, from appropriate police personnel."

- d) Under the bullet regarding proof of firearm transfer via sale to a federal licensed firearms dealer, add: "In the event that the suspected domestic violence offender is the chief of police or other administrative head of the police agency, proof of satisfaction of this requirement shall be provided to the town's chief executive officer (mayor, town manager, town administrator, etc.) or their designee."
  - e) Under the bullet regarding disciplinary action taken by the chief of police, add: In the event that the suspected domestic violence offender is the chief of police or other administrative head of the police agency, such action may be taken by the town's chief executive officer (mayor, town manager, town administrator, etc.) or their designee.
- 3) Consider inclusion of Connecticut's Lethality Assessment Program in the model law enforcement policy on family violence established pursuant to CGS § 46b-38b as a best practice.**

Connecticut's Lethality Assessment Program (LAP) is an innovative partnership between law enforcement and domestic violence advocates that implements nationally recognized risk assessment strategies to better serve victims in greatest danger. Modeled after the LAP that was first piloted in Maryland in 2005, this program is a three-pronged intervention process used by trained police on the scene of an intimate partner violence call who assess a victim's risk for serious injury or death and can then immediately link those at greatest risk to their local domestic violence advocate for support and safety planning.

LAP first began in Connecticut in 2010 with a pilot by the Ansonia Police Department and The Umbrella Center for Domestic Violence Services. Statewide expansion began in 2012 with the State Police and all municipal and university police departments voluntarily implementing the program by 2017. Given this success and recognition by law enforcement agencies of the value of LAP, the subcommittee will consider how LAP might be included in the model policy as a best practice.

- 4) Work in coordination with the Arrest Warrants & Orders of Protection – Compliance Enforcement & Outcomes Subcommittee to research and develop best practices related to prioritization of domestic violence arrest warrants for inclusion in the model law enforcement policy on family violence established pursuant to CGS § 46b-38b.**

Both the Police Response to Crimes of Family Violence Model Policy Subcommittee and the Arrest Warrants & Orders of Protection – Compliance Enforcement & Outcomes Subcommittee discussed differences seen across the state relative to the length of time to obtain final approval of domestic violence arrest warrants. Recognizing that all police departments are different with different capacities and different practices, the subcommittee believes that there is opportunity to establish best practices and suggested steps for the prioritization of domestic violence arrest warrants. The subcommittee will research existing policies within Connecticut police departments, as

well as policies found in other states, and develop best practices for inclusion in the model policy.

***Arrest Warrants & Orders of Protection – Compliance, Enforcement, & Outcomes Subcommittee:***

**1) Invite Darren Mitchell (National Council of Juvenile & Family Court Judges) to work with the subcommittee on improving Connecticut's response to domestic violence as it relates to orders of protection and an abusers' access to firearms.**

Mr. Mitchell presented to the full Council regarding best practices related to orders of protection and firearm monitoring and compliance. Two initial considerations the group discussed include:

- States and jurisdictions with the most success related to firearm surrender and compliance have devoted resources for a court-based compliance officer or case manager to follow-up. Many states also utilize some sort of compliance form, such as an affidavit or declaration of firearms status, that a defendant/respondent must file with the court. Mr. Mitchell suggested piloting a court-based compliance officer or case manager in a jurisdiction that's characteristic of different parts of the state, troubleshoot, and then bring the program statewide.
- Discussion also centered on victim notification. Currently nothing in Connecticut law entitles victims to a right to know if the defendant/respondent is in compliance with firearm surrender requirements. Further, there is a system in place for law enforcement to monitor compliance, but there are no protocols in place to follow-up with the victim. This runs counter to a trauma-informed system designed to meet the safety needs and concerns of victims. Mr. Mitchell noted that some states use VINE, which is a victim notification system also used in Connecticut by the Judicial Branch. Research will be needed to understand how firearms compliance notification could work.

The presentation and discussion also touched upon violations and failure to comply including use of contempt proceedings in civil restraining orders, the importance of investigation and prosecution of criminal violations, ensuring that all firearm prohibitions are entered into registries/databases in a timely, accurate manner to prevent purchase of new firearms, and ways for overcoming 5<sup>th</sup> Amendment (protection against self-incrimination) issues.

**2) Establish a protocol within each Judicial District for the review, execution and tracking of domestic violence arrest warrants.**

The presentation from law enforcement and the cases going through the courts exposed gaps in our systems that could potentially cause victims to live in fear. A domestic violence arrest warrant sweep in Bridgeport caused the group to review the process in place for the drafting of warrants by police, the review of arrest warrants by prosecutors, follow-up on warrants submitted, and the execution of arrest warrants by police. Prosecuting cases where there was a delay in serving the warrant presents challenges for prosecutors from defense attorneys, and even worse, leaves victims unprotected. This may be an area that can be addressed by the CT Division of Criminal Justice's case management system; but if not, it is recommended that local police and prosecutors

establish a protocol for tracking warrants that have been presented and reviewed and should include those instances where prosecutors send warrants back for corrections.

**3) Establish a consistent practice statewide for domestic violence victims to request that their addresses be protected from defendants in criminal cases.**

Prior to the presentation on orders of protection and firearms monitoring and compliance, the subcommittee discussed an issue out of Stamford where a victim had recently moved and wanted her address to remain confidential. There have been instances where the address of a local domestic violence agency has been used instead of the victim's actual address, although this practice is discouraged by both the Family Violence Victim Advocate as it creates a safety issue for other victims, and by the State Police who maintain the Protection Order Registry as a valid address for the victim is necessary when dispatching police on a complaint of a violation.

With respect to advisements on an Order of Protection, the subcommittee will continue to discuss how to balance the rights of defendants to know where they can't go with the safety and confidentiality concerns of victims. Criminal courts across the state manage address confidential requests by victims differently, while in civil court, victims are permitted to keep their address confidential. We will continue to work on developing a consistent practice statewide to address this issue.