

The Connecticut General Assembly



Domestic Violence Criminal Justice Response and Enhancement Advisory Council

MEETING MINUTES

Wednesday, June 26, 2024

ATTENDANCE: Senator Mae Flexer, Karen Foley O'Connor, Charles Forcier, Eulalia Garcia, Attorney Gail P. Hardy, Marc Pelka, Lieutenant Ryan Maynard, Andrea O'Connor, Meghan Scanlon, Attorney Nancy Tyler, Captain Heather LaRock

I. CALL TO ORDER

- a. Chairwoman Scanlon called to order at 12:35 PM.

II. WELCOME AND INTRODUCTION OF COUNCIL MEMBERS

- a. Chairwoman Scanlon offered welcoming remarks and Council members introduced themselves.

III. APPROVAL OF THE MAY 29TH MINUTES

- a. A motion was made to approve the May 29, 2024 meeting minutes by Charles Forcier and seconded by Attorney Hardy. The motion passed unanimously.

IV. SUBCOMMITTEE REPORTS

A. LAW ENFORCEMENT MODEL POLICY

- No updates

B. ARREST WARRANTS & ORDERS OF PROTECTION: COMPLIANCE, ENFORCEMENT, & OUTCOMES

- Gail Hardy provided updates regarding their conversation on firearm seizure policy and compliance at the last subcommittee.
- At that meeting, Captain LaRock presented on her police department's experience in firearm seizure and surrender.
- The subcommittee discussed the differences used depending on whether an arrest occurs or not.
- They discussed what happens to a person who is the subject of a protective order and not allowed to have firearms, yet picks up a new charge that's unrelated to the domestic violence case.
- Courts handle these situations differently, so there was discussion around ensuring some kind of consistency across the state
- The subcommittee decided to bring in Brianna Maurice of the Special Licensing and Firearms Unit to a future meeting.
- The next subcommittee meeting will take place on Wednesday July 17, 2024 at 11:00 AM.

C. OFFENDER PROGRAMS

- No updates

V. PRESENTATION BY DARREN MITCHELL, NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES – ORDERS OF PROTECTION FIREARM MONITORING AND COMPLIANCE BEST PRACTICES (VIRTUAL)

- Darren Mitchell facilitated a comprehensive training on Opportunities to Improve the Legal System's Response to Domestic Violence Abusers' Access to Firearms in Connecticut.
- His PowerPoint presentation is available on the council website:
https://cga.ct.gov/jud/tfs/20231001_Domestic%20Violence%20Criminal%20Justice%20Response%20and%20Enhancement%20Advisory%20Council/20240626/Connecticut%20Firearms%20Presentation.pdf.
- Discussion surrounded the "Monitoring Compliance with Orders" portion of the presentation
- Marc Pelka asked if Mr. Mitchell sees any best practices with follow-through of firearm surrender for subjects of protective orders with various stakeholders such as courts and law enforcement.
 - Mr. Mitchell responded that in the places where this is happening the best, they have devoted resources to have a court-based compliance officer or case manager to follow up on what's happening.
 - Mr. Mitchell also responded that this is not something that operates well under the honor system and further suggested another practice of asking the offender to fill out a form with the court, such as an affidavit or declaration of firearms status.
- More discussion ensued surrounding compliance monitoring and the 5th Amendment (self-incrimination).
 - Mr. Mitchell reported that, in some places, it's a significant issue and in others, it's a non-issue.
 - He suggested one strategy is to include a space on the firearms affidavit where the offender can check a box that says, "I refuse to fill this out based on 5th Amendment grounds."
 - Another approach is to offer limited immunity to tell the court and have an opportunity to turn in the guns.
 - The goal is to ultimately get the guns out of the hands of someone who can cause great harm, not necessarily to prosecute them for having guns.
- Andrea O'Connor shared that monitoring compliance was a great concern for advocates and victims because there is no follow-up.
 - It was discussed that before the advisory board was organized, CCADV, Judicial, and law enforcement met with Judge Gold to see if a process could be created to ensure compliance and perhaps that should be revisited.
 - It was also mentioned that there is a system in place for law enforcement to monitor compliance, but there is no requirement to let the victim know what happens afterwards.

- Members discussed how the victim does not have a right to know if there has been compliance, per CT law.
- The question was posed to Mr. Mitchell about if and how victims are notified in other states.
- Mr. Mitchell reported that the way it works is that there is a VINE notification system that has included firearms; others have put the information on the publicly accessible website; but many states are in the same position as CT.
- Marc Pelka offered to take a closer look at the VINE notification system to see how the firearms compliance notification can fit into their already-operating system at the Office of Victim Services.
- 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.
- Members discussed the differences in firearms compliance and monitoring between subjects of Risk Protection Orders (RPOs) versus domestic violence protective orders (DV POs).
 - The RPOs have a particular purpose and do not provide the relief that DV POs do.
 - These are often more law enforcement and prosecutor-driven.
 - At this time, there are no specific lessons to draw on, but Mr. Mitchell is working closely with Johns Hopkins University on this matter and hopes to have more information in the next year or so.
- LT Ryan Maynard made the council aware that Johns Hopkins coordinated a site visit from 7/16-7/18 to specifically talk about RPOs.
- Chairwoman Scanlon stated that the council would follow-up appropriately.

VI. OTHER BUSINESS

- a. Chairwoman Scanlon asked subcommittees to be prepared to bring draft recommendations to the September meeting and that a full draft report will be reviewed at the December meeting to finalize to submit to the legislature for the new year.

VII. ANNOUNCEMENT OF TIME AND DATE OF NEXT MEETINGS

- a. Final two dates of the year were set:
 - Wednesday September 25, 2024 from 12:30-2:00 PM
 - Wednesday December 4, 2024 from 12:30-2:00 PM.

VIII. ADJOURNMENT

- a. Motion to adjourn made by Gail Hardy, seconded by Karen Foley O'Connor. The meeting adjourned at 2:02 PM.