



**COLLECTIVE
OPPORTUNITY
FOR CHANGE:**

*Decades of Dual Arrest
in Connecticut*

cca | DV

Connecticut Coalition Against Domestic Violence

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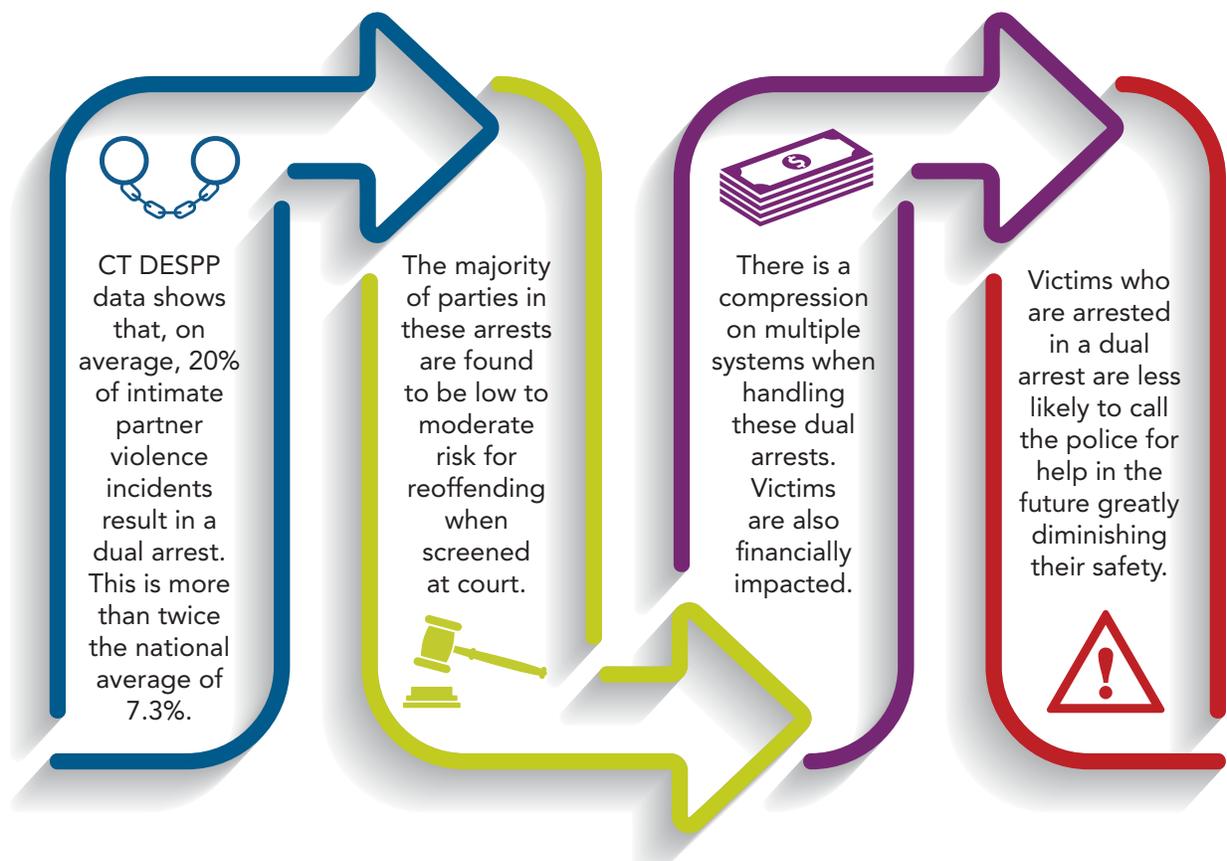
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Connecticut has made great strides toward advancing formidable policy and practice to address domestic violence and is looked to as a national leader for its work in areas such as the Lethality Assessment Program (LAP), access to housing and fatality review. Much of this progress is rooted in the fortitude of various systems such as law enforcement, advocacy and judicial responses, which have served to strengthen protections of victims and enhance accountability for offenders. Where Connecticut continues to fall short is around intimate partner violence dual arrest, which has hovered at more than twice the national average for the past thirty years. This circumstance does not bode well for victims or the state's systemic answer to this critical societal problem and we aim to do better.

A dual arrest occurs when, after police intervention and investigation, both parties are arrested for a family violence offense. The state's next day arraignment mandate for these arrests presents a possibility for a second set of issues in court. Connecticut's mandatory arrest law, expected to provide an appropriate response, is seemingly offering the unintended outcome of both parties being arrested nearly 20% of the time statewide. Connecticut's dual arrest problem is statewide with 87 of 106 law enforcement entities measured as having a dual arrest rate that is double or more than double national benchmark. This trend cuts across diverse socio-economic communities through rural, suburban, and urban cities and towns.

There is no one system to blame for this situation, but rather there is an occasion to more fully recognize the problem and understand collective strategies to solve it. It is important to acknowledge the true challenge facing law enforcement in these emotionally charged and volatile settings. However, equally noted is the harmful impact dual arrest has on victims and families.

Over a period of seven months, the Connecticut Coalition Against Domestic Violence (CCADV) brought together various stakeholders to guide and advise our approach to comprehending this challenge. We captured arrest and court information on dual arrest to authentically grasp this dilemma and view trends. Various approaches utilized in other states informed our process and offered examples of policies which decrease dual arrest. This project also took a look back at previous examinations that have occurred over the past three decades. At the end of the day there is no singular solution to solving this problem, but rather a series of system modifications which can collectively bring change. It is our hope that after thirty years system and policy leaders will formulate a new shared approach to addressing dual arrest which brings Connecticut more in line with its counterparts across the nation.



History of Dual Arrest in Connecticut

For more than 30 years Connecticut has grappled with a high dual arrest rate that currently stands at twice the national average. Several studies have been conducted to understand this challenge and various systems have tried either legislatively or administratively to solve the problem. Here is a snapshot of that work.

1986

Connecticut's family violence mandatory arrest law is adopted.

1994

National Council of Juvenile & Family Court Judges issues a model family violence code for states recommending use of primary aggressor language.

1987

Connecticut Legal Services issues a discussion paper noting that an unintended consequence of the 1986 law is the state's growing dual arrest rate. It notes that the state's family violence dual arrest at the time stood at 37.7%.

BACKGROUND

Prior to 1987, Connecticut state law did not specifically define family violence. Law enforcement had statutory tools available to address offenses such as assault and threatening between any two individuals. During this time existing societal norms and its prevailing attitude that family disputes were a private matter likely impacted the use of a systematic approach to applying such tools in incidents of family violence.

In 1986 Connecticut passed the first comprehensive statewide mandatory arrest legislation in the country, which became effective in January 1987 (Family Violence Prevention and Response Act, C.G.S. 46b-38b, see appendix). The aim of the statute was to establish a framework for how law enforcement, the judicial system and victim advocates would proceed in family violence offenses. This new mandatory arrest policy was anticipated to achieve greater fairness and uniform responses by removing discretion at the scene of the incident. Police had to arrest the person or persons believed to have committed the violence and charge them with the applicable crime. They were also required to do this regardless of whether or not the victim wished to press charges. When police received complaints from two or more opposing parties, they were directed to evaluate each complaint separately and determine whether or not seek a warrant for an arrest. For the first time the law also included other important interventions to support and protect domestic violence victims such as the creation of family violence intervention units in courts, next day court appearances for offenders, and court-based legal advocacy for the victim from certified family violence victim advocates.

Connecticut General Statutes 46b-38b

Whenever a peace officer determines upon speedy information that a family violence crime has been committed within such officer's jurisdiction, such officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime.

The overhaul has been impactful overtime with new statutory protections, training across systems to increase stakeholder understanding around the complexities associated with family violence, heightened public awareness and systemic collaboration and coordination amongst multiple disciplines to assist victims and address offender behavior. Yet the legal requirement of mandatory arrest at the scene of a family violence incident has the propensity to compromise victims and their overall safety. Connecticut is not alone in this challenge, as other states with similar mandatory arrest laws have had the same experience with higher than normal dual arrest rates.¹ Current day feedback from Connecticut practitioners, including law enforcement, indicates a concern around the liability associated with not making an arrest due to our statutory language that dictates this action when responding to an incident of family violence.

Given that mandatory arrest has offered difficulties from the start, state and national stakeholders have consistently voiced concerns dating back more than thirty years. In 2007, the U.S. Department of Justice's Office on Violence Against Women (OVW) weighed in on dual arrest policy with feedback that states with mandatory and preferred arrest laws had significantly higher dual arrest rates than those without such laws.² Connecticut was also highlighted at this time as a state with one of the highest dual arrest rates in the country.

It is important to note that Connecticut, the only mandatory [arrest] state that did not have a primary aggressor law at the time of the study, also had by far the highest dual arrest rate.³

2004

CCADV proposes a predominant aggressor bill. CCADV and various stakeholders compromise to add a self-defense exception to Connecticut's mandatory arrest law.

2016

OVW assessment indicates that primary aggressor laws reduce dual arrest, particularly when coupled with training to assist police.

1997

Dr. Margaret Martin analyzes 1988 family violence arrest data in Connecticut and notes the deterrent effect that dual arrests have on victims. The report states that CT's intimate partner dual arrest rate stood at 33%.

2013

Analysis of 2007 Connecticut Judicial Branch data found that mandatory arrest laws had unanticipated consequences. It shows the state's intimate partner dual arrest rate stood at 31%.

2018

Dr. Stephen Cox analyzes 2015 Judicial Branch data. CT's intimate partner dual arrest rate stood at 28%.

No less than eight formal studies⁴ have been conducted over the past three decades that examine Connecticut's dual arrest rate. The two largest studies were conducted by Dr. Margaret Martin, Eastern Connecticut State University (1988), and Drs. Caryn Bell Gerstenberger and Kirk William (2013).^{5,6} In summary, their respective conclusions about Connecticut's dual arrest experience offered that:

- Dual arrest rates were very high
- Women were more likely to be arrested in dual arrests
- Male arrestees were twice as likely to be re-arrested
- One policy implication was that mandatory arrest laws appeared to have negative and unanticipated consequences for female victims

These findings, along with other study recommendations, have pointed to a need to restructure the law to outline greater discretion for law enforcement as well as enhance training amongst criminal justice and advocacy systems to more affirmatively understand distinctions associated with dual arrest. These suggestions are important and some steps have historically been taken to lower dual arrest rates. Policy shifts that have taken place to address dual arrest include the insertion of a self-defense clause in Connecticut law in 2004 and the creation of a mandated statewide model policy for law enforcement's response to family violence in 2012. And while all of this feedback and change has been impactful, it has failed to move the state away from an unacceptably high dual arrest rate in any meaningful way.

Statute and case law are equivocal whether self-defense is an affirmative defense against arrest. Police and prosecutors contend that strict adherence to the mandatory aspect of the domestic violence law requires arrest when any probable cause of crime is evident.⁹

A number of states, in addition to providing enhanced training, have shifted towards a primary or predominant aggressor law. With more than half the states in our country now utilizing some form of a dominant aggressor model, there has been recent focus to understand the efficacy of such language as it relates to lowering dual arrest. Of the 27 states with explicit predominant aggressor language, 23 include in statute factors that police should utilize to determine which party is the predominant aggressor with 10 states mandating the arrest of the predominant aggressor.⁷ A more recent 2016 OVW assessment indicates that primary aggressor laws do in fact reduce dual arrest, especially when coupled with training to assist police in determining the culpable party.⁸

A CONNECTICUT PERSPECTIVE

The project centered on two primary sources of arrest data. The first was the annual Family Violence Arrest Report published by the Department of Emergency Services and Public Protection (DESPP).¹⁰ The second source of data stems from the Connecticut Judicial Branch Court Support Services Division.¹¹ The intent of the secondary source of data was to supplement DESPP data. However, there are notable differences in the data sets that impact its use and application within the project, especially as it relates to the notation of a dual arrest in “roommate” situations where there is not an intimate relationship. While the difference is an issue requiring further attention, from what we know of both three-year dual arrest rates of 18 % (DESPP) and 27.6% (Judicial), they exceed the national average of 7.3%.¹²

Figure 1 - Connecticut Arrest & Judicial Intake Data 2014 - 2016

Incidents/Arrests/ Court Intakes	DESPP ¹³	Judicial Branch Court Support Services Division ¹⁴
Total Family Violence	47,897	76,402
Intimate Partner	39,854 (83%)	54,129 (71%)
Intimate Partner Dual Arrest	7,193 (18%)	14,953 (27.6%)

The data in Figure 1 indicates that intimate partner violence arrests account for more than three-quarters of all family violence arrests in Connecticut and 18% of the time those incidents result in a dual arrest. Meanwhile, Judicial intake data demonstrates that intimate partner violence arrests account for just under three-quarters of all family violence arrests while over 27% of those arrests are dual arrests. It is also important to note that the total family violence arrests/intakes (76,402) account for 32% of the criminal docket in Connecticut courts.

We know that when a dual arrest occurs there are implications for individuals and families involved that can be profound. In particular, we learned through this project that often what emulates from a dual arrest is a distrust of the criminal justice system by dually arrested parties that not only creates a trauma footprint but also serves to exist as a barrier for accessing help moving forward. Stakeholder feedback offered the understanding that domestic violence victims who are dually arrested indicate a firm reluctance to reach out to law enforcement again. Children may also have witnessed the person whom they view as the “victim” being arrested, causing subsequent confusion and distrust.

IMPACT OF DUAL ARREST

Stakeholder input received by CCADV throughout this process found that dual arrest can have a long and lasting impact on its victims...

DISTRUST OF CRIMINAL JUSTICE SYSTEM

- The victim, who may have been the one to call for help, develops a deep distrust of the criminal justice system.
- She or he is unlikely to call law enforcement for help again in the future.
- This distrust and hesitancy to call police greatly diminishes the victim’s future safety.

FINANCIAL

- The victim may need to hire an attorney.
- She or he may need to take time off of work or away from school to attend court dates.
- She or he may need to pay for childcare to attend court dates.

CHILDREN

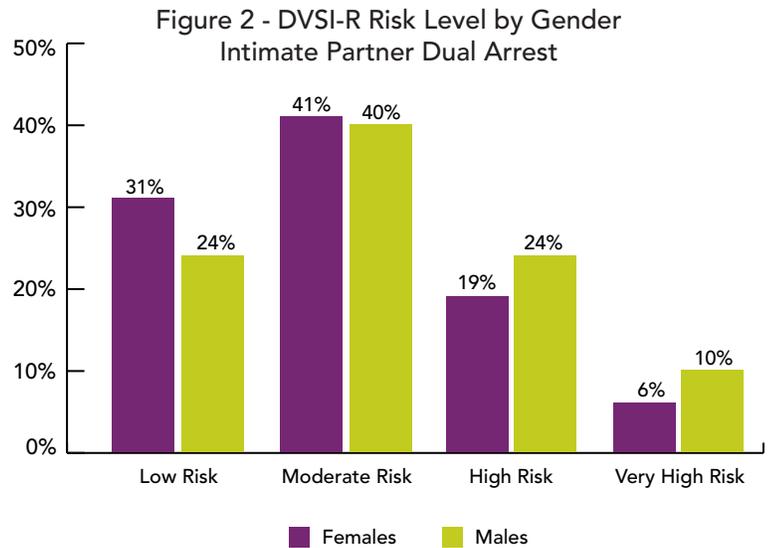
- Children, who have already experienced significant trauma by witnessing the abuse, now sees the parent that they identify as the “victim” being arrested.
- This results in the same distrust of the criminal justice system.
- The additional trauma of seeing the victim arrested compounds the child’s existing social & emotional needs.

After an arrest, the arresting police department can release the person prior to the initial court appearance. This decision is based on the police department's belief that the person will not commit another crime and will appear in court. Police departments rarely hold offenders prior to their court appearance if they pose little risk to reoffend and/or were arrested for minor offenses. It was acknowledged throughout this process that family violence calls are extremely contentious and difficult for law enforcement as they are more often than not complex, layered, emotional, and blurred. Stakeholder input from this project expressed understanding of the difficult decisions that law enforcement officers are tasked with making. They also offered concern for the crossroads that officers find themselves in between the constraints of mandated arrest policies and civil liability.

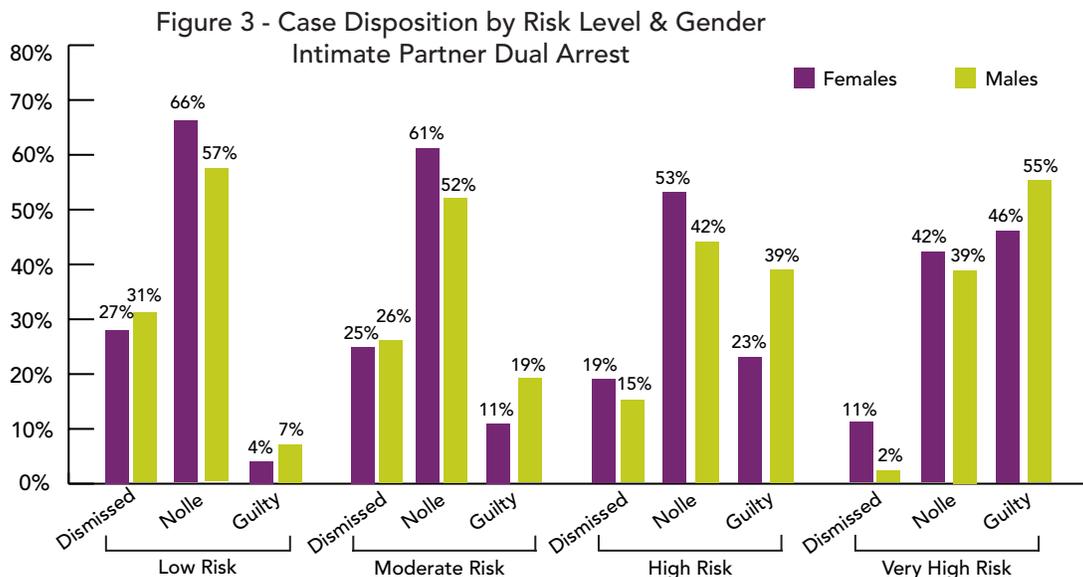
After a person is arrested for a family violence offense he or she is interviewed by a Court Support Services Division's Family Relations Counselor. The Family Relations Counselor conducts a risk assessment using the Domestic Violence Screening Instrument, Revised (DVSI-R). The DVSI-R is an 11 item validated risk assessment instrument designed to estimate the likelihood that a family violence offender will commit future violence against his/her partner. The DVSI-R provides an overall risk score and also categorizes those scores into four levels of risk (low, moderate, high and very high).¹⁵

According to the DVSI-R risk levels for males and females arrested in an intimate partner dual arrest situation in 2015 (Figure 2), out of a total of 4,925 such arrests, a higher percentage of females were low risk of reoffending than males (31% and 24% respectively). In addition, a lower percentage of females were high risk (19%) and very high risk (6%) compared to men (24% were high risk and 10% were very high risk).¹⁶ The gap related to risk and the propensity to reoffend widens more greatly between genders at the higher risk levels which offers the idea that a notable subset exists of male offenders who are much more dangerous.

Most of the low risk women arrested in an intimate partner violence dual arrest were released by police (84%) or were given a non-financial form of release (14%) with men being slightly lower at 79% of low risk men being released and 11% of low risk men being given a non-financial form of release.¹⁷

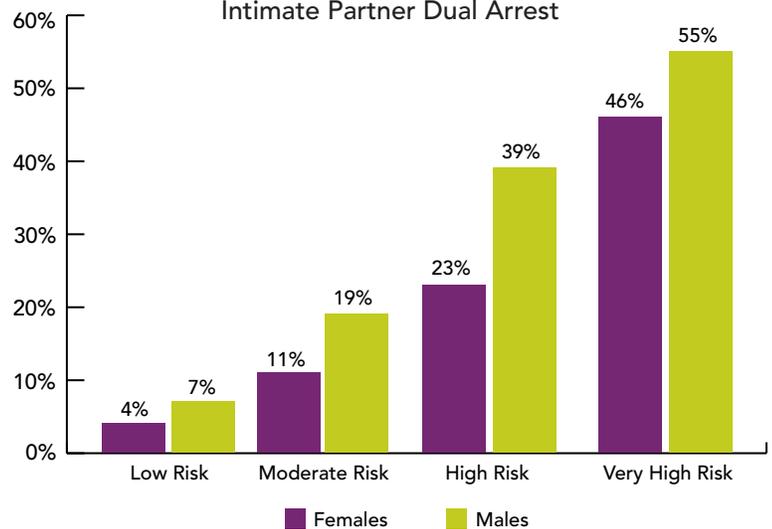


Regarding case disposition of intimate partner dual arrests in 2015 (Figure 3), 93% of low risk women had their cases dismissed or nolle compared to 88% of low risk men, while 86% of moderate risk women had their cases dismissed or nolle compared to 78% of moderate risk men.¹⁸ This is a difference of 5% and 8% respectively. As risk increases, so does the gap between percentages of women receiving a dismissal or nolle compared to men. Seventy-two (72%) of high risk women have their cases dismissed or nolle compared to 57% of men, representing a 15% difference; while 53% of very high risk women have their cases dismissed or nolle compared to 41% of men, representing a 12% difference. Men are more likely to be found guilty at all risk levels.¹⁹



Of the 2015 cases involving dually arrested offenders (Figure 4), men are likely to be convicted and sentenced more often than women at each risk level, with greater sentences occurring at the higher risk status. For example, 7% of low risk men are convicted and sentenced compared to 4% of low risk women with 19% of moderate risk men being convicted and sentenced compared to 11% of moderate risk women. As the gap between risk levels widens around heightened propensity, convictions increase also with 39% of high risk men being convicted compared to 23% of high risk women and 55% of very high risk men being convicted compared to 46% of very high women.²⁰

Figure 4 - Convictions by Risk Level & Gender
Intimate Partner Dual Arrest



CONCLUSION

Connecticut systems which inform and implement policy and practice to respond to domestic violence have a demonstrated history of being progressive and responsive to the unique needs of survivors. Given their working relationships, they have forged a platform from which concrete and substantive steps can be taken that incorporate best practice approaches to intimate partner dual arrests. This process allowed us to fully recognize the ongoing challenge that dual arrest has offered to Connecticut over the past thirty years and develop strategies for change.

1. Connecticut's dual arrest rate for intimate partners remains high statewide. While it may be difficult to compare Connecticut's status to other states, what remains clear is that a near 20% dual arrest average is unacceptable and not aligned with the progress the state has made around prevention and intervention models to address domestic violence.
2. In the majority of dual arrests, the individuals arrested are being charged with lower level offenses such as breach of peace and disorderly conduct and identified as being not at high risk of reoffending thus putting pressure on an already overloaded system. Having said this, in those cases deemed to be high or very high risk, we notice a trend where the gaps widens with male offenders chiefly in this category.
3. For victims of domestic violence who are dually arrested, the experience is traumatizing, demoralizing and long-lasting.

The victim's journey just begins with the dual arrest. Mandatory court appearances, onerous procedural requirements and entrance into what can be an intimidating system confronts the victim. Consequently, a dual arrest creates a chilling effect and daunting barrier for victims seeking future assistance. Victims are left with diminished confidence and distrust of the criminal justice system and may hesitate to reach out for help again. Furthermore, this circumstance is offering additional stress onto the domestic violence advocacy system with advocates who are challenged by having to work with both dually arrested parties with limited resources. The initial dual arrest experience creates additional barriers for advocates in gaining the victims' trust and thus jeopardizing their safety.

Given that family violence arrests constitute more than one-third of all cases in the criminal court system, there is the occasion to more appropriately understand how policy, practice, and resources can be appropriately managed to perhaps achieve efficiencies if dual arrests – and therefore arrests – are decreased. There is universal support and empathy for the enormously challenging work performed by law enforcement. Specific recognition was given to the seriousness of purpose in which family violence incidents are handled. Being the first state in the country to have full participation from law enforcement in the administration of the Lethality Assessment Program is a current example. We learned that there are barriers, such as structural limitations within the law, liability concerns and additional training/technical assistance which exist as an opportunity for all systems.

Modifying laws is not, as a standalone course of action, sufficient to bring about real change. It is critical that law enforcement, criminal justice and victim advocates receive the requisite training, implementation guidance and administrative support to reinforce the transformation.

1. Consider structural modifications to laws governing (a) family violence arrest policies and related police liability and (b) training across systems to reduce Connecticut's dual arrest rate.
2. Develop a universal and standardized training curriculum for use across all of law enforcement and other relevant stakeholders to include court officers, prosecutors and advocates. The curriculum design should be comprehensive and establish sufficient attention to adequately cover the complex issue of domestic violence.
3. Establish a new approach to family violence data collection and reporting requirements across systems so that any policy change can be measured for its efficacy.
4. Strengthen all systems with training that speaks to the unique needs of domestic violence victims around trauma, children, substance use, mental health, and culture.
5. Leverage Connecticut's Lethality Assessment Program to more affirmatively develop distinct approaches in dual arrest situations.

ENDNOTES

1. Hirschel, D., et. al. (2007). "Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Violence Cases: Final Report." United States Department of Justice, Washington, DC.
2. Hirschel, D., et. al. (2008). "Domestic Violence and Mandatory Arrest Laws: To What Extent Do They Influence Police Arrest Decisions?" *The Journal of Criminal Law & Criminology*. 98(1): 255-298.
3. Ibid.
4. In addition to the studies cited throughout the report, the following studies were also completed:
 - Epstein, S. (1987). "Discussion Paper: The Problem of Dual Arrest in Family Violence Cases." Presented to Connecticut Coalition Against Domestic Violence.
 - Hirschel, D. & Buzawa, E. (2013). "The Impact of Offenders Leaving the Scene on Police Decision to Arrest in Cases of Intimate Partner Violence." *Violence Against Women*. 19(9): 1079-1103.
5. Martin, M. (1997). "Double Your Trouble: Dual Arrest in Family Violence." *Journal of Family Violence*. 12(2): 139-157.
6. Gerstenberger, C.B. & Williams, K.R. (2013). "Gender and Intimate Partner Violence: Does Dual Arrest Reveal Gender Symmetry or Asymmetry?" *Journal of Interpersonal Violence*. 28(8): 1561-1578.
7. Aequitas. (2017). "Predominant Aggressor Arrest Provisions: Statutory Compilation." Available at www.aequitasresource.org.
8. Hirschel, D. & Deveau, L. (2016). "The Impact of Primary Aggressor Laws on Single Versus Dual Arrest in Incidents of Intimate Partner Violence." *Violence Against Women*. 23(10): 1155-1176.
9. Supra note 5 at p. 142
10. Connecticut Department of Emergency Services and Public Protection. "Family Violence Arrest Report." 2014 - 2016. Available at <http://www.dpsdata.ct.gov/dps/ucr/ucr.aspx>.
11. Cox, S. (2018). "A Review of Police and Court Processing of Intimate Partner Dual Arrests in Connecticut." Presented to Connecticut Coalition Against Domestic Violence.
12. U.S. Department of Justice, Federal Bureau of Investigation, National Incident Based Reporting System.
13. Supra note 10
14. Supra note 11 at p. 5
15. Supra note 11 at p. 6
16. Supra note 11 at p. 7
17. Supra note 11 at p. 9
18. A nolle prosequi, better known as a nolle, is a court disposition involving no further court action but which allows for the case to be reopened if the person is arrested again within a 13-month period or does not follow informal conditions set by the prosecutor, such as participating in treatment or programming.
19. Supra note 11 at p. 10
20. Supra note 11 at p. 11

Connecticut's Family Violence Prevention and Response Act

Passed 1986

Sec. 46b-38b. Investigation of family violence crime by peace officer. Arrest. Assistance to victim. Guidelines. Education and training program. Compliance with model law enforcement policy on family violence. Assistance and protocols for victims whose immigration status is questionable. (a) Whenever a peace officer determines upon speedy information that a family violence crime has been committed within such officer's jurisdiction, such officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge shall not (1) be dependent on the specific consent of the victim, (2) consider the relationship of the parties, or (3) be based solely on a request by the victim. Whenever a peace officer determines that a family violence crime has been committed, such officer may seize any firearm or electronic defense weapon, as defined in section 53a-3, or ammunition at the location where the crime is alleged to have been committed that is in the possession of any person arrested for the commission of such crime or suspected of its commission or that is in plain view. Not later than seven days after any such seizure, the law enforcement agency shall return such firearm, electronic defense weapon or ammunition in its original condition to the rightful owner thereof unless such person is ineligible to possess such firearm, electronic defense weapon or ammunition or unless otherwise ordered by the court.

(b) No peace officer investigating an incident of family violence shall threaten, suggest or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party. Where complaints are made by two or more opposing parties, the officer shall evaluate each complaint separately to determine whether such officer should make an arrest or seek a warrant for an arrest. Notwithstanding the provisions of subsection (a) of this section, when a peace officer reasonably believes that a party in an incident of family violence has used force as a means of self defense, such officer is not required to arrest such party under this section.

(c) No peace officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a family violence incident for an arrest based on probable cause or for any conditions of release imposed pursuant to subsection (b) of section 54-63c.

(d) It shall be the responsibility of the peace officer at the scene of a family violence incident to provide immediate assistance to the victim. Such assistance shall include, but not be limited to: (1) Assisting the victim to obtain medical treatment if such treatment is required; (2) notifying the victim of the right to file an affidavit for a warrant for arrest; (3) informing the victim of services available, including providing the victim with contact information for a regional family violence organization that employs, or provides referrals to, counselors who are trained in providing trauma-informed care; (4) referring the victim to the Office of Victim Services; and (5) providing assistance in accordance with the uniform protocols for treating victims of family violence whose immigration status is questionable established pursuant to subsection (g) of this section. In cases where the officer has determined that no cause exists for an arrest, assistance shall include: (A) Assistance as provided in subdivisions (1) to (5), inclusive, of this subsection; and (B) remaining at the scene for a reasonable time until, in the reasonable judgment of the officer, the likelihood of further imminent violence has been eliminated. For the purposes of this subsection, "trauma-informed care" means services (i) directed by a thorough understanding of the neurological, biological, psychological and social effects of trauma and violence on a person; and (ii) delivered by a regional family violence organization that employs, or provides referrals to, counselors who: (I) Make available to the victim of family violence resources on trauma exposure, its impact and treatment; (II) engage in efforts to strengthen the resilience and protective factors of victims of family violence who are impacted by and vulnerable to trauma; (III) emphasize continuity of care and collaboration among organizations that provide services to children; and (IV) maintain professional relationships for referral and consultation purposes with programs and persons with expertise in trauma-informed care.

(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, 46b-38a to 46b-38f, inclusive, 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 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, as amended from time to time by the Family Violence Model Policy Governing Council established pursuant to section 46b-38j.

(3) Not later than January 15, 2013, and annually thereafter, the chairperson of the Police Officer Standards and Training Council shall provide notice of updates to the model policy, if any, adopted by the council during the prior calendar year, to the chief law enforcement officer of each municipality having a police department, the law enforcement instructor of each such police department, and the Commissioner of Emergency Services and Public Protection.

(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.

(5) 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.

(f) The Police Officer Standards and Training Council, in conjunction with the Division of Criminal Justice, shall establish an education and training program for law enforcement officers, supervisors and state's attorneys on the handling of family violence incidents. Training under such program shall: (1) Stress the enforcement of criminal law in family violence cases and the use of community resources, and include training for peace officers at both recruit and in-service levels; and (2) include, but not be limited to: (A) The nature, extent and causes of family violence; (B) legal rights of and remedies available to victims of family violence and persons accused of family violence; (C) services and facilities available to victims and persons who commit acts of family violence; (D) legal duties imposed on police officers to make arrests and to offer protection and assistance, including applicable probable cause standards; and (E) techniques for handling incidents of family violence that minimize the likelihood of injury to the officer and promote the safety of the victim. On and after July 1, 2010, training under such program shall also include, within available appropriations, information on (i) the impact of arrests of multiple parties in a family violence case on the immigration status of the parties; (ii) crime scene investigation and evaluation practices in family violence cases designed by the council to reduce the number of multiple arrests in family violence cases; and (iii) practical considerations in the application of the general statutes related to family violence. On and after July 1, 2010, such training shall also address, within available appropriations, eligibility for federal T Visas for victims of human trafficking and federal U Visas for unauthorized immigrants who are victims of family violence and other crimes.

(g) Not later than July 1, 2010, the Police Officer Standards and Training Council shall establish uniform protocols for treating victims of family violence whose immigration status is questionable, and shall make such protocols available to law enforcement agencies. Each law enforcement agency shall adopt and use such protocols on and after the date they are established by the council.



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