

JD-FM-277

New Judicial Form for Failure to Appear in Family Violence Cases

Background

Over the past year, CCADV staff has worked with several stakeholders related to an issue that arises when a domestic violence offender fails to appear for their arraignment. For most family violence arrests, non-financial conditions of release are put in place by the arresting police department. Those conditions of release are meant to protect the victim until the offender is arraigned in court and a protective order can be put in place. By law, conditions of release remain in effect until an arrested person is presented for arraignment.

Current practice entails law enforcement entering conditions of release (known as a File 20) into a system known as COLLECT. The File 20 in COLLECT is visible to all police departments and law enforcement officials, as well as certain Judicial Branch staff. When entering conditions of release into COLLECT, the system requires an expiration date. Because all family violence offenders are arraigned the next business day, that date is used as the automatic expiration date for the conditions of release. Therefore, when an offender fails to appear for their arraignment, the File 20 automatically purges from COLLECT and is no longer visible to law enforcement. However, by law the conditions of release remain in effect, but since they are no longer visible to law enforcement, the victim experiences a gap in safety because law enforcement won't know to make an arrest if the conditions of release are violated.

There were several challenges to addressing this issue:

- Only certain individuals have access to COLLECT;
- The PRAWN (Paperless Arrest Warrant Network) system that houses the failure to appear warrant may delay the notification to police of the defendant's failure to appear;
- Even with a failure to appear warrant there is no process in place for law enforcement to go back into COLLECT and keep conditions of release present; and,
- The expiration cannot simply be extended to an indefinite date because the conditions are no longer in place once the defendant is arraigned but leaving them in COLLECT and not notifying the arresting police department to remove them could mean that someone is falsely arrested for a violation.

Solution

To address this issue, CCADV, Judicial Branch Operations staff and Court Support Services Division (CSSD) staff, State Police, CT Police Chiefs Association, and the Chief State's Attorney's all worked together to develop a new form to be used when there is a Family Violence Failure to Appear. The Judicial Branch form, **JD-FM-277**, will be completed by CSSD Family Relations Staff when a defendant fails to appear and faxed that day to the arresting police department so that the conditions of release expiration date in COLLECT may be extended. The police department will then track the re-arrest warrant to know when to remove the conditions of release from COLLECT.

Please see the next page for an image of the form, which is only available internally to CSSD Family Relations staff since they are responsible for completing the form.

Please note that PRAWN warrants are available publicly and can be tracked by domestic violence advocates by visiting <https://www.jud2.ct.gov/VOP/>.

**POLICE NOTIFICATION –
FAMILY VIOLENCE DEFENDANT FAILURE
TO APPEAR AT INITIAL HEARING DATE**

JD-FM-277 New 7-19
C.G.S. § 54-63c

STATE OF CONNECTICUT
JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION
FAMILY SERVICES



To:

Police Case Number	Docket Number
Name of Defendant	Date of non-appearance

Non-appearance at initial hearing date of certain family violence cases

The defendant named above failed to appear at the initial hearing date for this arrest. The non-financial conditions of release that your agency imposed on the *Conditions of Release - Family Violence* (form JD-CR-146) remain in effect until the defendant appears in court for this arrest. When initially imposing these conditions, your agency most likely also entered a corresponding Order of Protection - FL20 within COLLECT/NCIC, which was set to expire on the initial hearing date. Because the defendant did not appear at the initial hearing date, and the conditions of release remain in effect until the defendant does appear, **your agency should consider modifying the expiration date on any corresponding FL20 until the defendant appears in court.**

Please note that, on this non-appearance date, the defendant may also have been issued a:

- 1) Failure to Appear (FTA)** rearrest warrant. Your agency may obtain information on any FTA rearrest warrant on the Judicial Branch website through the Criminal Case Look-up: <https://www.jud.ct.gov/crim.htm>. Information on any FTA rearrest warrant is also accessible through PRAWN, and your agency may track FTA rearrest warrants served by other agencies through the Monitor section within PRAWN. There are two relevant reports: Warrants Served and Warrants Vacated. For additional questions on PRAWN, contact: justice.support@jud.ct.gov.
- 2) Bail Commissioner's Letter (BCL)** ordering the defendant to appear in court on a different date. Information on BCLs is also available through the Criminal Case Look-up: <https://www.jud.ct.gov/crim.htm>. Cases with a BCL will show a future appearance date, but the BCL indicates that the defendant did not appear for the initial hearing date. Future appearance date _____.

If you have any questions or would like further information on this case, please contact the local Clerk's Office.

Print Form

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