

Emerging Responses to Victims of Domestic Violence

Dominant Aggressor Arrest Policy

Online Restraining Order Applications



CTSafeConnect

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Connecticut Coalition Against Domestic Violence

Policy Brief – October 2020

Dual Arrest History

- In 2017, CCADV embarked on a year long process to address Connecticut's intimate partner dual arrest rate
- While national rates of dual arrest vary widely due to different data collection methods used across states, it appeared that CT's intimate partner dual arrest rate (17%-26%) was over twice the national average (7%)
- The practice of dual arrest creates many barriers for victims, not the least of which is fear of calling the police for help again in the future
- CCADV's initial report on dual arrest in 2018 pointed to a number of necessary systems changes to lower dual arrest rates, including training, data reporting & collection methods, use the state's Lethality Assessment Program, and potential changes to the state's family violence arrest law

The image shows the cover of a policy brief from CCADV. The title is "New Dominant Aggressor Law Positively Impacts Intimate Partner Violence Dual Arrest Rate in CT". Below the title, it says "INTRODUCTION" and provides a summary of the report's findings. A key finding is highlighted in a yellow box: "7% - 11% DECLINE in dual arrests in 2019". The cover also includes the CCADV logo and contact information.

cca|DV Policy Brief
October 2020

New Dominant Aggressor Law Positively Impacts Intimate Partner Violence Dual Arrest Rate in CT

INTRODUCTION

On January 1, 2017, Connecticut joined 27 other states with a dominant aggressor law to mitigate notable shortcomings in our criminal justice system related to intimate partner violence. This report shares the state's early findings on the impact of the new law on dual arrest rates. The report also provides a comparison of dual arrest rates in Connecticut to other states. Finally, the report discusses the implications of the findings for the state's criminal justice system.

CCADV highlights the state's dual arrest rate in implications to victim safety in a 2018 report titled, *Collective Responsibility for Change: A Guide to the State of Connecticut*. The report calls for the introduction of legislation to address the issue of dual arrest rates in Connecticut. The report also provides a comparison of dual arrest rates in Connecticut to other states. Finally, the report discusses the implications of the findings for the state's criminal justice system.

Available arrest data for some full-year (2018) and for two full-year (2019) are provided below. Available statewide arrest data including both municipal and state police arrests recorded by the CT Department of Emergency Services and Public Protection (DESPP) are available in data provided by the CT Judicial Branch Court Support Services Division (CJSSD) in a report titled *Intimate Partner Dual Arrests Between 2018 and 2019*. Connecticut's dual arrest rate stood between 17% - 26% compared to being between 7% - 10% in 2019 for every the mid-range of the national average rate.

In this issue brief we look at the history of Connecticut's dual arrest rate, the role of the dominant aggressor law in the state's criminal justice system and the impact of the new law on dual arrest rates. The report also provides a comparison of dual arrest rates in Connecticut to other states. Finally, the report discusses the implications of the findings for the state's criminal justice system.

HISTORY

In 2017, CCADV embarked on a year-long process to address intimate partner dual arrest in Connecticut. Dual arrest, the arrest of both parties for a crime, is a common problem for victims and survivors of intimate partner violence. Victims who were dual arrested often called the police for help again in the future. CCADV's initial report on dual arrest in 2018 pointed to a number of necessary systems changes to lower dual arrest rates, including training, data reporting & collection methods, use the state's Lethality Assessment Program, and potential changes to the state's family violence arrest law.

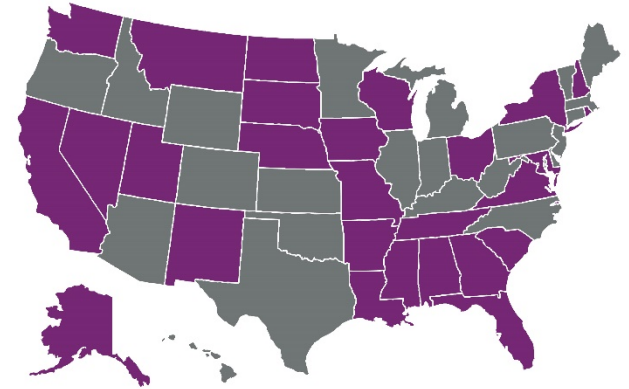
CCADV's year-long process involved a number of key stakeholders to guide and address our approach including advocates, law enforcement and criminal justice system. We examined arrest and court data across multiple years that would allow us to make more informed decisions on the state's dual arrest rates. We also conducted a series of focus groups with advocates, law enforcement, and survivors to gather input on the state's dual arrest rates. Finally, we conducted a series of focus groups with advocates, law enforcement, and survivors to gather input on the state's dual arrest rates. Finally, we conducted a series of focus groups with advocates, law enforcement, and survivors to gather input on the state's dual arrest rates.

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Dominant Aggressor Implementation

- In 2018, upon the release of CCADV’s dual arrest report, we sought to modify the state’s family violence arrest law (CGS § 46b-38b)
- Public Act 18-5 added the new dominant aggressor clause to the state’s family violence arrest law, joining 27 other states with a similar law
- The Public Act...
 - defines dominant aggressor as the “person who poses the most serious ongoing threat in a situation involving the suspected commission of a family violence crime”;
 - Establishes 5 determining factors for police officers to use when determining which party is the dominant aggressor; and,
 - Maintains the ability for law enforcement to make a dual arrest when necessary
- The new law went into effect on January 1, 2019



*2018 Map of 27 states (in purple)
with dominant aggressor laws*

Training, Education & Leveraging LAP

- Statewide Dominant Aggressor Curriculum
- Train the Trainer classes scheduled during November and December (POST & CCADV)
- Second-tier “Implementation and Management” class was offered led by international trainer, Mark Wynn, and national researcher on dual arrest and dominant aggressor, Dr. David Hirschel
- Additional training was provided to Family Relations supervisors from the Judicial Branch Court Support Services Division

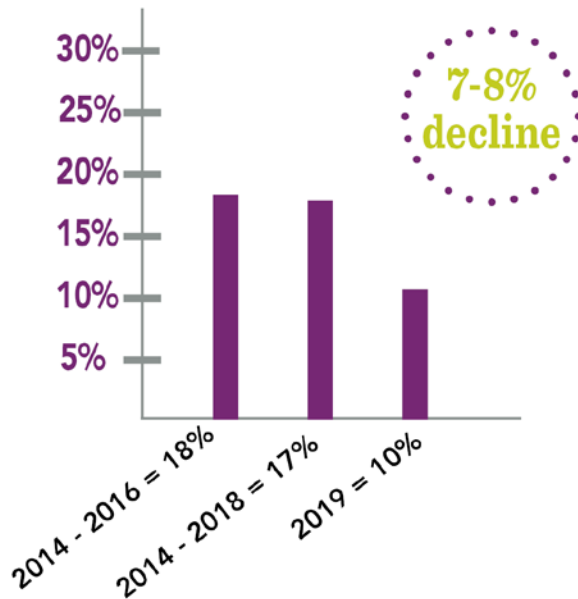


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Dual Arrest Data

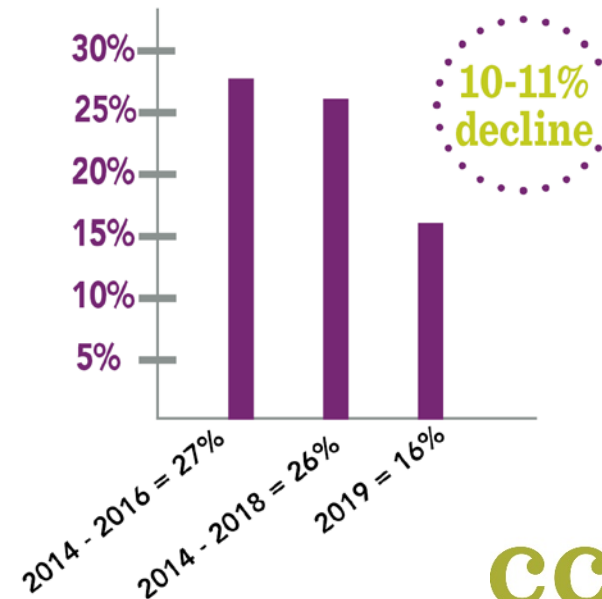
DESPP Arrest Data

% of intimate partner violence arrests*



Judicial Branch Case Intake Data

% of intimate partner violence case intakes*



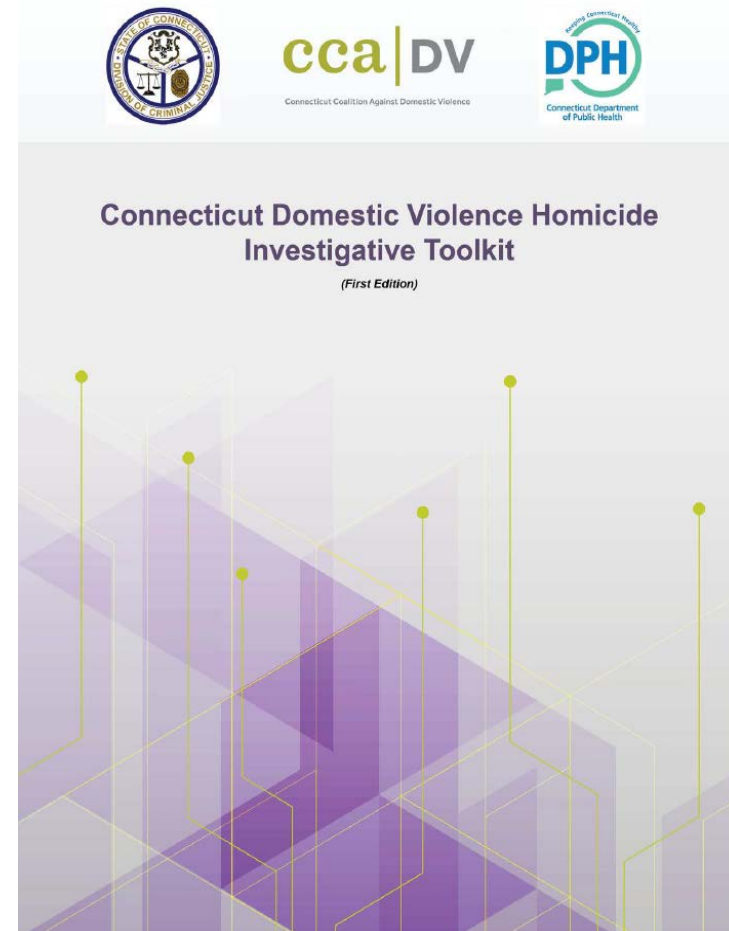
2019 Total Statewide Dual Arrest Rate: 10% - 16%

Next Steps

- Examine potential impact of COVID on the number of dual arrests.
- Share dual arrest data with partners in law enforcement.
- Facilitate meaningful discussions and trainings through the domestic violence prosecutor quarterly roundtables
- Develop a basic refresher training that addresses many of the FAQs for domestic violence advocates and law enforcement
- Provide ongoing data sharing and discussion opportunities with policymaker
- Provide ongoing data sharing and discussion opportunities with the leadership of CCADV's 18 member organizations

IPV Homicide Investigative Toolkit

- In cooperation with the Department of Public Health, Division of Criminal Justice, CCADV's Fatality Review Task Force
- Recommended practices and adaptable forms that can be incorporated into established investigative processes



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Covid-19 and Court Closures

March 2020

- Governor Lamont EO “Stay At Home”
 - Directed to individuals whose work was not “essential”
- Judicial Branch Court Closures and Consolidation
 - 19 to 6 locations
 - Limited hours of operation
 - Keep staff and litigants safe
- Protocols for Priority 1 Cases
- Domestic violence advocacy statewide shifts

Unique Challenges for Victims and Advocates

- Stay at home orders have unintended consequences
 - Home environment may not be safe
 - Home itself presents its own set of risks
 - Financial hardship
- Increased barriers to victims
 - Decreased options for safety
 - More difficult for victims to access established points for support

Increase in Outreach for Help

Impact of Pandemic on Victims and Advocacy:

- At its height: CT Safe Connect contacts increased by more than 30%
 - More than half reaching out for the first time
- Outgoing calls statewide by advocates increased 64%
- Length of Time on Calls Increased 130%
- Shelters Must Exist at Capacity
 - More than 30% Overflow in Hotels
 - Cost: March to September 2020
 - Nearly \$400,000
 - Covid-19 Concerns

Increase in Outreach for Help

Impact of Pandemic on Victims and Advocacy:

- Covid-19 Concerns:
 - Reduction of additional unemployment Benefits
 - End of eviction moratorium
 - Return to work and increased need for childcare
 - Remote learning at home
- Prioritized Use of DV RRH Funds
 - 52 families housed – March through August

Online Restraining Orders

- Stay at Home Orders and Safety Measures By Judicial Branch
 - Unintended Consequences
 - Limited Access
- Judicial Branch, CT Legal Services and CCADV
 - Offered Guidance Around a Solution
 - EO 7T April 2nd Online Option
- CCADV's Legal Advocacy Project worked with Judicial Branch
 - Protocols
 - Outreach (Social Media reached 16,000 people)
 - Communication
 - CT Safe Connect and DV Advocacy

Applications at a Glance

2020

April	265 applications
May	294 applications
June	478 applications
July	668 applications
Aug.	626 applications
Sept.	624 applications

vs.

2019

April	677 applications
May	678 applications
June	674 applications
July	745 applications
Aug.	681 applications
Sept.	679 applications

Online Restraining Order Assessment

- CCADV: Summer 2020 Assessment
 - http://www.ctcadv.org/files/5015/9969/1698/CCADV_COVID_RO_Report_9.20.pdf
 - Advocacy, Survivors, Court Clerks, Marshals
 - Positive Feedback
 - Online Process: 45 minutes on average
 - Language Access
 - Access to other Safety Options
- Online Applications
 - April 2020 to June 2020
 - CT Safe Connect Assisted with Filing 172 Applications
 - Victim filed online on their own 115 Cases
 - CT Safe Connect followed up with additional 423 inquiries relative to the TRO Process
- Still a 50% decrease in Restraining Order applications at the height of pandemic

Moving Forward

- Statutory change for Online Option 2021 legislative session
- Ongoing training and technical assistance
 - CT Safe Connect
 - 400 Advocates within domestic violence organizations
 - Stakeholders
- Ongoing strategies to provide state marshals with identifiable information
- Opportunity to create new policy standards around Electronic Transfer of Court Documents to state marshals for service of process to include email and fax
- Permanent postings in Judicial Court locations
- Ongoing outreach strategies
- Ongoing data collection and assessment