

# Collective Opportunity for Change

Decades of Dual Arrest in Connecticut



Connecticut Coalition Against Domestic Violence

# Brief History and Background

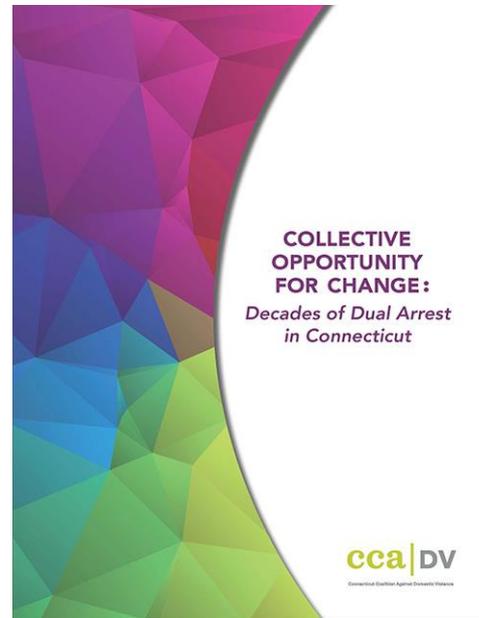
- Intimate Partner Violence Dual Arrest has been a pervasive and long standing issue in Connecticut for over 3 decades
- No one system to blame – result of existing structure of Connecticut's family violence mandatory arrest law
- The average mean dual arrest rate in 2017 was 17.76% vs. 14.77% in 2015
- ProPublica article on dual arrest in Connecticut published February 2017 garnered national attention

# Project Description

- CCADV received grant funding from the state to evaluate the issue with the goal of offering concrete solutions to this 30+ year pattern
- Comprehensive review of literature, public policy and data
- Consultation with national organizations - Aequitas, Battered Women's Justice Project – and national expert Dr. Jacquelyn Campbell

# Project Description

- Outreach to stakeholders from various government agencies and community-based providers through roundtables and interviews
- Application of quantitative and qualitative methodologies
- Final report with recommendations





CT DESPP data shows that, on average, 20% of intimate partner violence incidents result in a dual arrest. This is more than twice the national average of 7.3%.

The majority of parties in these arrests are found to be low to moderate risk for reoffending when screened at court.



There is a compression on multiple systems when handling these dual arrests. Victims are also financially impacted.

Victims who are arrested in a dual arrest are less likely to call the police for help in the future, greatly diminishing their safety.



# DESPP Arrest Data

## Connecticut Family Violence Arrest Report 2014 - 2016

- 47,897 family violence incidents
- **83%** (39, 854) of all family violence incidents are **Intimate Partner Violence (IPV)**
- **18%** (7,193) of IPV incidents result in a **dual arrest**

# DESPP Arrest Data

Statewide challenge...

87 of 106 law enforcement entities have an IPV dual arrest double or more than double the national average

***The National Incident-Based Reporting System (NIBRS) cites the national average rate for IPV dual arrest is 7.3%***

# Court Data

## Judicial Branch Court Support Services Division Intake Data 2014 – 2016

- 76,402 family violence case intakes
- **71%** (54,129) of all family violence case intakes are **Intimate Partner Violence (IPV)**
- **27.6%** (14,953) of IPV case intakes were **dual arrest**

# Court Data

2015 DVSI-R risk levels for 4,925 dual arrest cases shows...

- Majority of individuals arrested as part of a dual arrest are screened as being at low to moderate risk of reoffending
  - 72% of women, 64% of men
- Majority of low and moderate risk individuals have their cases dismissed or nolle prossed
  - Low risk – 93% of women, 88% of men
  - Moderate risk – 86% women, 78% of men

# Impact on Victim

## **Distrust of Criminal Justice System**

- If arrested, the victim is unlikely to call the police again
- This distrust makes the victim much less safe moving forward, a fact the abuser may know and exploit

## **Financial**

- Victim may need to hire an attorney
- Victim may need to take time off of work or hire childcare to attend court
- Even if dismissed, victim may be followed by a criminal history of a family violence arrest
- May lead to immigration issues

## **Children**

- Additional trauma of seeing the victim arrested
- May develop same distrust of criminal justice system

# Impact on System

Various systems experience compression from dual arrests...

- Victim advocates are challenged by having to work with both individuals with limited resources
- Judicial Branch data from fiscal years 2016 and 2017 demonstrate that family violence cases made up 32% of the criminal docket – this could be reduced with fewer dual arrests
- If Connecticut's dual arrest rate was reduced and more in line with other states, there is an opportunity to understand what resources within these systems could be repurposed

# Challenges for Law Enforcement

- Ongoing highly emotional and difficult situations
- CT's family violence mandatory arrest law (CGS 46b-38b) requires an arrest based on probable cause
- Its current structure limits police discretion
- Personal liability continues to be a major factor when making decisions about who to arrest

# Opportunities for Change

The report offers five recommendations to address dual arrest...

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.
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.

# Opportunities for Change

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.

# Dominant Aggressor

- CCADV has proposed that CT adopt a dominant aggressor provision within the family violence arrest law
- Guides police to determine which party is the aggressor when receiving complaints from two or more opposing parties
  - Self-defense, relative degree of injury, threats creating fear of physical injury, history of family violence that can be reasonably obtained
- Mandates arrest of dominant aggressor
- Does not prohibit dual arrest when appropriate and addresses police liability concerns

# Dominant Aggressor

- 27 states have dominant aggressor laws
  - 23 include in statute specific factors police should use to determine the dominant aggressor
  - 10 mandate arrest of the dominant aggressor
- Studies have found that dominant aggressor laws achieve their stated objective and contribute to lower dual arrest rates

# Dominant Aggressor

- National criminal justice stakeholders call for identification of dominant aggressor and discourage dual arrests
  - International Assoc. of Chiefs of Police 2017 IPV Response Policy & Training Guidelines
  - National District Attorneys Association Women Prosecutors Section 2017 National Domestic Violence Prosecution Best Practices Guide
  - National Council of Juvenile & Family Court Judges 1994 Model Code on Domestic & Family Violence

# Dominant Aggressor

- Will be most effective if supported by statewide, standardized training for all law enforcement
- Several fixes have been attempted over the past 30 years
  - Addition of self-defense exception in 2004 as a compromise to a proposed dominant aggressor bill
  - Increased training for law enforcement
- Unfortunately these attempted fixes have not had a meaningful impact on the IPV dual arrest rate
- Arresting victims of intimate partner violence is not sound public policy. It's time for a change.