

Judiciary Committee

Public Testimony of the CT Women's Education and Legal Fund (CWEALF)
*S.B. 466: An Act Concerning Dual Arrests and the Training Required of Law Enforcement
Personnel with Respect to Domestic Violence*

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March 16, 2018

The Connecticut Women's Education and Legal Fund (CWEALF) is a statewide nonprofit that advocates for and empowers women and girls in Connecticut, especially those who are underserved or marginalized. For nearly forty-five years, CWEALF has provided legal education and legal advocacy services to individuals about family law and civil rights issues, many of whom seek guidance about divorce, child support, alimony and custody. The majority of our clients are low-income women with at least one dependent, and many have or are currently experiencing family violence.

CWEALF urges the Committee to support *S.B. 466: An Act Concerning Dual Arrests and the Training Required of Law Enforcement Personnel with Respect to Domestic Violence*.

A dual arrest occurs when both the victim and their abuser are arrested at the scene of a domestic violence incident. Connecticut's intimate partner violence dual arrest rate stands at approximately 20%, more than twice the national average of 7%. These are incidents that specifically involve current or former spouses, current or former dating partners, and individuals that share a child in common.

Connecticut has struggled with a high dual arrest rate for the past 30 years. This is a statewide challenge – 87 of the state's 106 law enforcement entities have a dual arrest rate that is double or more than double the national average – that cuts across diverse socio-economic communities and through rural, suburban and urban areas of our state.

Dual arrests have short and long-term consequences for victims and their families and often impact a victim's perception of the criminal justice system. CWEALF's clients who are victims of domestic violence often face language barriers, immigration concerns, and fear of retaliation from their abusers that prevents them from coming forward to law enforcement.

For the women CWEALF serves, the likelihood of a dual arrest decreases their willingness to call the police for help in the future. This distrust of the criminal justice system greatly reduces the victim's safety moving forward – a fact that their abuser may realize and exploit. Children who witness the arrest of the parent they believe to be the "true victim" may also develop this same distrust.

Dual arrests also lead to negative financial consequences for victims and their families because they may need to hire an attorney, miss work to attend court dates, or hire childcare to attend court dates.

A recent report from the Connecticut Coalition Against Domestic Violence (CCADV), *Collective Opportunity for Change: Decades of Dual Arrest in Connecticut*, demonstrates that the majority of individuals arrested in an intimate partner violence dual arrest were screened at court as being low to moderate risk to reoffend and eventually had their cases nolle or dismissed. The report also indicates that a higher percentage of women were low risk of reoffending than men.¹

CWEALF works and collaborates with CCADV, which has proposed that Connecticut adopt a “dominant aggressor” provision in the family violence arrest law (46b-38b). This will clarify that, when receiving complaints from two or more opposing parties, law enforcement does not need to arrest both parties but should instead determine which party is the dominant aggressor.

At least 27 other states have explicit dominant aggressor laws, and ten of those states mandate the arrest of the party identified as the dominant aggressor. These laws guide police officers to arrest only the party they deem to pose the most serious ongoing threat or to be the most significant aggressor. National research has indicated that dual arrests are twice as likely in state without a dominant aggressor law.

Several of CWEALF's clients are victims of domestic violence involved in a dual arrest because of the frequency in which law enforcement in our state arrests both parties. S.B. 466 will not prohibit dual arrests when appropriate. Coupled with appropriate training and supervision, this legislation can reduce Connecticut's dual arrest rate, increase victims' safety and relieve stress on an already overburdened court system.

¹ CCADV. *Collective Opportunity for Change: Decades of Dual Arrest in Connecticut*. 2018. Retrieved from: <http://www.ctcadv.org/files/5615/1847/1671/DualArrestReport2.18.pdf>