

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

INTRODUCTION

On January 1, 2019, Connecticut joined 27 other states with a dominant aggressor law to mitigate notable shortcomings around arrest practices associated with family violence. This important change to the state's family violence arrest law was aimed at addressing over 30 years of a dual arrest rate that was nearly double that of many other states. Essentially, law enforcement was arresting both parties involved in intimate partner violence more than 20% of the time, whereas this approach was occurring at around 7% of the time elsewhere in our country.

CCADV highlighted the status of dual arrest and its implications surrounding victim safety in a 2018 report titled, *Collective Opportunity for Change: Decades of Dual Arrest in Connecticut*. This report laid the groundwork for the introduction of legislation to improve upon Connecticut law with the insertion of dominant aggressor language as a mandate, for the first time. Among other things, the change was expected to strengthen how police officers make family violence arrests by requiring that officers have the discretion to arrest only the dominant aggressor in these complicated circumstances.

Statewide arrest data for one full year (2019) under the new law indicates that Connecticut's intimate partner dual arrest rate has dropped significantly. Statewide arrest data including both municipal and state police arrests provided by the CT Department of Emergency Services and Public Protection (DESPP) and court intake data provided by the CT Judicial Branch Court Support Services Division demonstrate a decline in intimate partner dual arrests between 7% - 11% when compared to the previous five years. Between 2014 and 2018, Connecticut's dual arrest rate stood between 17% - 26% compared to being between 10% - 16% in 2019 following the implementation of the dominant aggressor law.

**7% - 11% DECLINE
in dual arrests
in 2019**

In this issue brief we discuss the history of Connecticut's dual arrest rate, implementation of the dominant aggressor clause and the training and support that was provided to law enforcement, prosecutors, advocates and court personnel following the change. We'll also look ahead to next steps that various stakeholders can take to ensure that we continue to improve upon Connecticut's response to intimate partner dual arrest.

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 family violence offense, had been a serious problem facing victims and survivors for nearly three decades. Victims who were dually arrested when they called the police for help was presenting notable challenges. Of great importance, is the idea that victims may not reach out to law enforcement ever again for fear of being unjustly arrested.

CCADV's evaluative process involved a number of key stakeholders to guide and advise our approach including advocates, law enforcement and criminal justice administrators. We captured arrest and court data across multiple years that would allow us to view trends. An examination of three years of police and judicial data specific to intimate partner dual arrest (situations involving current or former spouses, current or former dating partners, or individuals who share a child in common), indicated that Connecticut's rate of intimate partner dual arrest stood between 18% and 27%.

While national rates of dual arrest vary widely based on differing data collection protocols across states, it appeared that Connecticut's intimate partner dual arrest stood at twice the national average.

Unnecessary dual arrests create challenges for the individuals and systems involved. They create a chilling effect and daunting barrier for victims seeking future assistance from law enforcement; they place further stress on the domestic violence advocacy system with advocates needing to direct limited time and resources advocating for victims as offenders instead of focusing on their safety needs as victims; and they overburden the criminal justice system and detract from focusing resources and efforts to address the true issue of dominant aggressor control, coercion and violence.

Recommendations from the 2018 CCADV report, *Collective Opportunity for Change: Decades of Dual Arrest in Connecticut* – note the following:

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.

These recommendations guided our work over the following two years to substantively enhance policy and training with a goal of reducing Connecticut's intimate partner dual arrest rate.

IMPLEMENTATION OF DOMINANT AGGRESSOR STATUTORY LANGUAGE (2018)

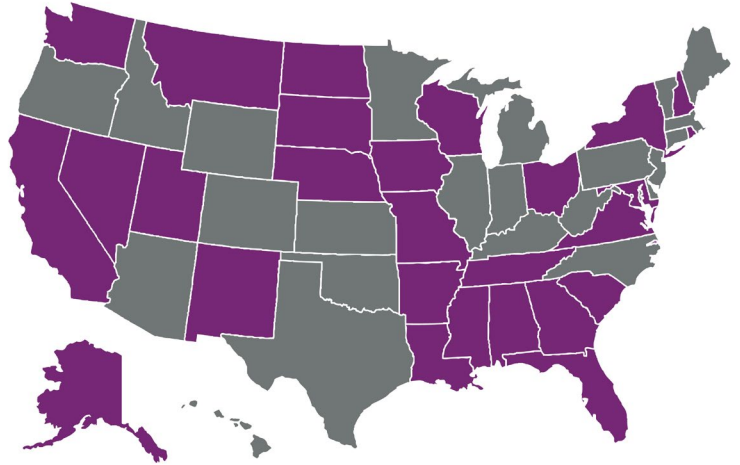
Following the release of *Collective Opportunity for Change*, CCADV conducted a thorough examination of Connecticut's domestic violence arrest statute, as well as those across the country to learn from best practices utilized in other states. Since the 1980s, Connecticut had a mandatory arrest law for domestic violence incidents. Over the years it seemed that the interpretation of mandatory arrest led to significant dual arrest rates across the state.

To address the issue of dual arrest, CCADV first proposed a dominant aggressor provision to the Connecticut General Assembly in 2004. Dominant aggressor provisions are typically structured to guide police in determining which party is the most significant aggressor or the person who poses the most serious ongoing threat. In 2004, the General Assembly added self-defense language to the statute, a compromise that would allow police to not arrest someone who they believed had used self-defense. However, arrest data since that time indicated that the self-defense clause had no meaningful impact on the state's dual arrest rate.

In its 2018 review of domestic violence arrest laws in other states, CCADV found that 27 other states had dominant aggressor provisions in their laws and that dual arrests were twice as likely to occur in states without dominant aggressor laws. CCADV also found that a number of national organizations called for the inclusion of dominant aggressor provisions, such as the U.S. Department of Justice Office on Violence Against Women. Many cited the recognition that victims sometimes resort to the use of physical force or violence in direct response to the violence they

have experienced and arresting them for it was not consistent with sound public policy. Instead of reducing domestic violence, dual arrest would simply serve as a deterrent to victims calling the police for help in the future and immunize perpetrators from accountability.

To that end, CCADV again sought to change Connecticut's family violence arrest law to include dominant aggressor language as a mandate in the 2018 session of the General Assembly. The proposal outlined factors for use by law enforcement when making dominant aggressor determinations, addressed police liability, allowed for dual arrest when appropriate following a review the circumstances by a state's attorney, and ensured relevant training and resources would be made available to law enforcement to support their work (see box below for language added to state statute).



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

New Dominant Aggressor Language Added to State Law

The following is a synopsis of language that passed the General Assembly with an overwhelming majority and which was codified in Public Act 18-5, effective January 1, 2019. To view the full Public Act, please visit <https://www.cga.ct.gov/2018/ACT/pa/pdf/2018PA-00005-R00SB-00466-PA.pdf>.

Added dominant aggressor definition to the state's existing definition of family violence:

"Dominant aggressor" means the person who poses the most serious ongoing threat in a situation involving the suspected commission of a family violence crime.

Established guiding factors for determining the dominant aggressor and clarified that law enforcement need only arrest the dominant aggressor:

When complaints of family violence are made by two or more opposing persons, a peace officer is not required to arrest both persons. The peace officer shall evaluate each complaint separately to determine which person is the dominant aggressor. In determining which person is the dominant aggressor, the peace officer shall consider the need to protect victims of domestic violence, whether one person acted in defense of self or a third person, the relative degree of any injury, any threats creating fear of physical injury, and any history of family violence between such persons, if such history can reasonably be obtained by the peace officer. The peace officer shall arrest the person whom the officer believes to be the dominant aggressor.

Maintained the ability of law enforcement to make a dual arrest when appropriate:

If a peace officer believes probable cause exists for the arrest of two or more persons, in lieu of arresting or seeking a warrant for the arrest of any person determined not to be the dominant aggressor, such peace officer may submit a report detailing the conduct of such person during the incident to the state's attorney for the judicial district in which the incident took place for further review and advice. The provisions of this section shall be construed to discourage, when appropriate, but not prohibit, dual arrests.

TRAINING, EDUCATION & LEVERAGING LAP

In preparation for a January 2019 start date, during the summer of 2018 members of the Chief State's Attorney Office, Police Officers Standard and Training Council (POST), State Police Academy, Connecticut Police Chiefs Association (CPCA), and the Connecticut Coalition Against Domestic Violence (CCADV) developed a statewide training curriculum for law enforcement and domestic violence advocates. During the months of November and December, CCADV in cooperation with POST held six different trainings for POST-certified domestic violence instructors. Over 100 law enforcement and domestic violence, advocate instructors were trained and provided with the training curriculum and materials to train their department or agency. The training focused on:

- Provisions of the new law;
- Defining and determining which party is the dominant aggressor;
- Considerations when responding to an incident;
- Identifying self-defense; and,
- Distinguishing between defensive and offensive injuries.

Additionally, during the month of December, CCADV brought in international trainer, Mark Wynn, and national researcher on dual arrest and dominant aggressor, Dr. David Hirschel, to present a one-day training on Implementation and Management of Connecticut's Dominant Aggressor Law (funded through a grant from the US Department of Justice Office on Violence Against Women). This training served as a second-tier training for domestic violence program coordinators, state's attorneys, and law enforcement administrators. The training focused on:

- The review and monitoring of dominant aggressor investigations, prosecutions and victim advocacy
- The nuances for determining dominant aggressor
- Connecticut's probable cause/ self-defense laws
- Documentation in reports
- Trauma-informed interviewing

In addition to law enforcement and advocates, 50 Family Relations supervisors from the Judicial Branch Court Support Services Division were also trained in the new law.

Ongoing support and technical assistance were provided to law enforcement and domestic violence advocates through one-on-one training, CCADV's monthly Domestic Violence In-Service Training Bulletin, and quarterly Lethality Assessment Program (LAP) coordinator meetings. All law enforcement in Connecticut voluntarily engage in LAP and have designated a supervisor as the department LAP Coordinator. In all intimate partner domestic violence calls where violence has or may occur, officers ask the victim a series of questions on the lethality screen. Identifying the dominant aggressor in cases where there are opposing complaints is a very important aspect of identifying the victim. The dominant aggressor provisions have been incorporated into the LAP Train-the-Trainer curriculum and a frequently asked questions training video was produced on aspects of the new law. This video has been viewed 306 times since September 2019.



*Dominant Aggressor Law FAQ Training Video
(click image to play)*

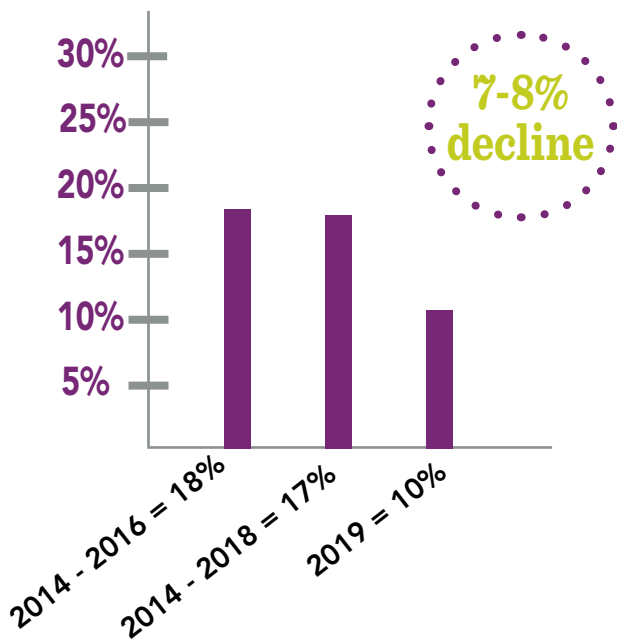
DUAL ARREST DATA

Below is data looking at the number of dual arrests in Connecticut from 2014 through 2019. This includes five years of data pre-implementation of Connecticut's dominant aggressor law and one year of data post the implementation of this law. We look specifically at how many dual arrests occur as a percentage of total arrests for intimate partner violence (IPV), not overall family violence. IPV arrests are those arrests involving individuals who are married/formerly married to each other, currently or recently in a dating relationship, or who share a child in common. Family violence arrests include parent/child, siblings, aunts, uncles, etc., or people who live together but are not in an intimate relationship with each other.

We have included the data shared in our dual arrest report ([Collective Opportunity for Change: Decades of Dual Arrest in Connecticut](#)) released in February 2018, prior to the law change. This includes three years of data for the period of 2014 – 2016. We then include the full 5-year period prior to the law change, which is 2014 – 2018.

DESPP Arrest Data

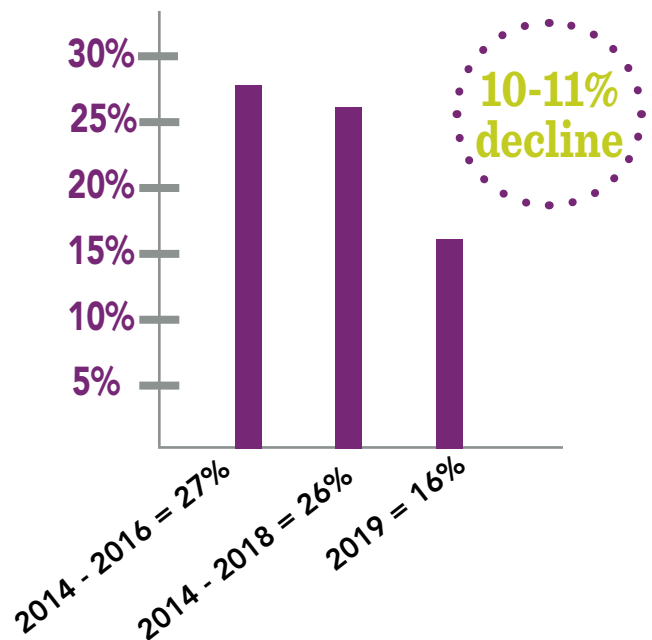
% of intimate partner violence arrests*



*Intimate partner violence arrests make up 76.5% of total family violence arrests in 2019.

Judicial Branch Case Intake Data

% of intimate partner violence case intakes*



*Intimate partner violence case intakes make up 71% of total family violence case intakes in 2019.

Both DESPP and Judicial Branch data show a significant decline in Connecticut's dual arrest rate following the implementation of the dominant aggressor law (effective 1.1.19) and the statewide training that accompanied the law change. It is important to note, as we did when requesting the addition of the dominant aggressor provision to the state's family violence arrest law, that there will always be circumstances where a dual arrest is appropriate. While Connecticut can continue to make progress on our dual arrest rate, it will never be zero and the progress made in just one year is something for which our state should be proud. CCADV is incredibly grateful for the dedication of our partners in law enforcement who embraced this change and ensured its successful application to the work they do every day to protect victims of domestic violence. And we thank the General Assembly for its support in making this change.

MOVING FORWARD

As we continue to work with our partners in the criminal justice system and CCADV's 18 member organizations to further improve Connecticut's response to dual arrest, we will...

- 1. Examine potential impact of COVID on the number of dual arrests.** COVID-19 has impacted so many aspects of life and public service. We will examine arrest and court intake data during the COVID period to determine if the pandemic had an impact on number of dual arrests and/or adherence to dual arrest best practices. *(timeline TBD with end of pandemic)*
- 2. Share dual arrest data with partners in law enforcement.** The results of the 2019 dual arrest data will be reviewed in partnership with the Connecticut Police Chiefs Association, the Department of Emergency Services and Public Protection, and the Police Officers Standards and Training Council. Discussions surrounding the data will focus on best practices and further training enhancements to assist law enforcement in their efforts to identify dominant aggressors. Additional training enhancements will be provided to law enforcement's Lethality Assessment Program (LAP) Coordinators through CCADV's monthly Domestic Violence In-Service Training Bulletin and Quarterly Meetings. *(timeline – fall of 2020)*
- 3. Facilitate meaningful discussions and trainings through the domestic violence prosecutor quarterly roundtables, which include Family Violence Victim Advocates and CSSD Family Services Supervisors.** Discussions and training will focus on assisting prosecutors and members of the Family Violence Intervention Units to identify best practices and uniform policies and procedures regarding dual arrests, awareness as to the impact of dual arrest on victims and the prevention of filing cases against victim-defendants. *(timeline – begin in early 2021)*
- 4. Develop a basic refresher training that addresses many of the FAQs for domestic violence advocates and law enforcement.** In cooperation with the Police Officer Standards and Training Council and the Department of Emergency Services and Public Protection, CCADV will develop additional training resources to address the most common and frequently asked questions by law enforcement and domestic violence advocates. The FAQs training will be provided to all Police Officer Standards and Training Council certified domestic violence instructors and LAP Coordinators. *(timeline – winter 2020)*
- 5. Provide ongoing data sharing and discussion opportunities with policymakers.** Annual data updates will be provided to policymakers to keep them apprised of ongoing progress with implementation and create opportunities to discuss further improvements to Connecticut's family violence arrest laws. *(timeline – annually beginning with this policy brief)*
- 6. Provide ongoing data sharing and discussion opportunities with the leadership of CCADV's 18 member organizations.** Annual discussions will be had with executive directors through the bi-monthly leadership meeting. Additional discussions will occur with domestic violence advocates through the Lethality Assessment Program (LAP) Coordinators Quarterly meetings and CCADV's Domestic Violence In-Service Training Bulletin. *(timeline – annually beginning with this policy brief)*

For questions or more information about CT's dominant aggressor law, please contact

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WHO IS CCADV?

Connecticut Coalition Against Domestic Violence, Inc. (CCADV) is the state's leading voice for domestic violence victims and those organizations that serve them. Our coalition is comprised of Connecticut's 18 domestic violence service organizations that provide critical support and services to survivors across our state. Services include:

- Safety planning and risk assessment
- Emergency shelter, transitional housing & rapid rehousing
- Individual counseling and support groups
- Advocacy to access basic needs
- Court-based advocacy in criminal and civil court
- Age-appropriate advocacy and support services for children & teens
- Community education

The Umbrella Center for Domestic Violence Services
Ansonia | New Haven

The Center for Family Justice
Bridgeport

Women's Center of Greater Danbury
Danbury

Domestic Violence Program United Services, Inc.
Dayville | Willimantic

The Network
Enfield

Domestic Abuse Services Greenwich YWCA
Greenwich

Interval House
Hartford

Chrysalis Domestic Violence Services
Meriden

New Horizons
Middletown

Prudence Crandall Center
New Britain

Safe Futures
New London

Domestic Violence Crisis Center
Norwalk | Stamford

Women's Support Services
Sharon

Susan B. Anthony Project
Torrington

Safe Haven of Greater Waterbury
Waterbury

CCADV also houses CT Safe Connect, Connecticut's domestic violence resource hub. Safe Connect offers a comprehensive, statewide, coordinated triage and response that provides information, safety planning, counseling, case management, assistance with applying for a restraining order, and a safe connection to CCADV's 18 member organizations and other community-based resources. Bilingual services are available 24/7.



CTSafeConnect

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