

Public Safety and Security Committee JOINT FAVORABLE REPORT

Bill No.: HB-5399
AN ACT CONCERNING THE CRIMINAL JUSTICE RESPONSE TO VICTIMS OF
Title: SEXUAL ASSAULT.
Vote Date: 3/19/2024
Vote Action: Joint Favorable Substitute
PH Date: 3/7/2024
File No.:

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SPONSORS OF BILL:

Sen. MD Rahman, 4th Dist.
Sen. Ceci Maher, 26th Dist.
Rep. Maryam Khan, 5th Dist.
Rep. Eleni Kavros DeGraw, 17th Dist.
Rep. Anne M. Hughes, 135th Dist.
Rep. Aimee Berger-Girvalo, 111th Dist.
Rep. Kate Farrar, 20th Dist.
Rep. Josh Elliott, 88th Dist.
Rep. Mary Welander, 114th Dist.
Rep. Christine Palm, 36th Dist.
Rep. Michael D Quinn, 82nd Dist.
Rep. Gary A. Turco, 27th Dist.
Rep. David Michel, 146th Dist.
Rep. Corey P. Paris, 145th Dist.
Rep. John-Michael Parker, 101st Dist.

REASONS FOR BILL:

This bill establishes an advisory council to evaluate the current criminal justice response to sexual assault in the state. The council will develop the initial model policy regarding criminal justice response to sexual assault.

Additionally, a new state law is created requiring police officers to provide immediate assistance to victims of sexual assault on scene. This assistance is described in this section as obtaining medical treatment if it is required, notifying the victim of the right to file and affidavit for a warrant of arrest, informing the victim of services available, and referring the victim to the Office of Victim Services within the Judicial Branch.

Lastly, the bill requires the development of distribution materials on services available for victims of sexual assault.

Guidelines for law enforcement relative to sexual assault crimes will help to ensure a trauma-informed response that builds victim confidence with the criminal justice system, potentially making it easier for them to participate. This bill hopes to empower the system in order to hold offenders accountable and prevent further assaults.

Substitute Language:

Adds the Connecticut Alliance to End Sexual Violence to the list of consultants that will be compiling information for victims of domestic violence and sexual assault.

Adds sexual assault reference across the bill.

Adds the sexual assault crisis centers to the list of counseling and support centers referrals that will be included.

RESPONSE FROM ADMINISTRATION/AGENCY:

Patrick Griffin, Chief States Attorney, Division of Criminal Justice, Supports:

The Division supports the establishment of a council made up of various stakeholders to examine issues related to the criminal justice system's response to sexual assaults and, more specifically, to develop a model policy on that topic to be distributed to law enforcement units statewide. The Division further endorses the development and distribution of information about services to victims of sexual assault. Suggests a series of amendments to this legislation including the identification of the class of sexual assault victims that constitute the focus of the council's work. Secondly adds the need for a more precise delineation of the term "sexual assault incident" would support consistent practice by law enforcement. Thirdly suggests a revision to "the peace officer should notify the victim of the right to file an affidavit for a warrant" as it is unclear what this is referring to. Fourthly calls for clarification on, subsection (4) "requires the peace officer to provide the victim with various resources available to children if a child is "at the scene." Finally submits that, in lieu of setting forth peace officer responsibilities, it may be advisable for the newly created council and/or the police to develop best practices on this issue which can then be regularly reviewed and modified, as necessary.

NATURE AND SOURCES OF SUPPORT:

Liza Andrews, VP of Government Public Relations, CCADV, Supports:

The strongest system will come when all stakeholders have clear and consistent communication with one another so that they may create a cohesive, coordinated response that prioritizes victim safety and strengthens offender accountability.

Drey Chesnut, Volunteer Program Assistant, YWCA New Britain SACS, Supports:

This legislation will not only provide clear guidelines and procedures for law enforcement to consistently refer to, but it also bridges connections for police officers to collaborate with and be supported by sexual assault advocates and other mental health agencies that can offer various services to survivors.

Connecticut Police Chiefs Association, Supports:

States a timely, pragmatic, and sensitive law enforcement response is paramount. This improves a community's confidence in the police, increases reporting levels, and strengthens investigations thereby facilitating more successful prosecutions.

Susan Eastwood, Chair, Ashford Clean Energy Task Force, Supports:

States a model policy related to the criminal justice response to sexual assault is long overdue.

External Affairs, Judicial Branch, Supports:

Suggest amendments to current bill language. In Section 1 (a)(2) of the bill, it would be helpful if the proponents could clarify what types of data collected by the Court Support Services Division would be of interest to the council. Additionally, we would respectfully request that the term "peace officer" in Section 2 of the bill be amended to "police officer" as defined in C.G.S. section 7-294a. This would exclude adult probation officers, who are included in the definition of "peace officer" pursuant to C.G.S. section 53a-3. Probation officers do not respond to or have any role at the scene of a sexual assault.

Beth Hamilton, Executive Director, Alliance to End Sexual Violence, Supports:

Expresses providing information to victims of sexual assault will help survivors readily access support and resources that can increase their ability to heal and seek justice. This also demonstrates the law enforcement community's commitment to addressing the needs of survivors throughout the response and investigative process. Suggests amendments to current language. Line 21 needs to be changed to reference civil protection orders pursuant to 46b-16a and lines 122-123 need to be removed or clarified.

Cathy Jian, Masters Candidate, Yale School of Public Health, Supports:

Firmly believes that passing HB No. 5399 will send a clear message of strong support to victims and survivors of sexual violence. By providing comprehensive support, improving criminal justice responses, and strengthening training, those impacted by sexual violence can be empowered to come forward and seek justice.

Suggests a series of amendments including, expanding beyond the Enhancement and Model Policy Advisory Council via roundtables that engage local citizens and communities to discuss public safety and community concerns related to sexual and domestic violence. As well as, incorporating bystander intervention strategies into the policies, furthering trauma-informed training strategies, and establishing routine data collection efforts, particularly through trauma-informed interviews. Finally suggests the introduction of a peace officer and the inclusion of additional protection services for children and minors.

Eleni Kavros DeGraw, State Representative, CGA, Supports:

Shares the experience of a woman in Canton who was accused of filing a false police report. Eventually it was found that the officers in this case were not only incorrect in this accusation but also did not properly investigate the sexual assault or respond appropriate to the survivor. While the case was eventually settled in court in favor of the survivor, it does not erase the trauma the survivors experienced. Expresses the importance of this bill with supporting evidence from this specific case. Hopes that with this bill in place others may not have to struggle as they did.

Anne Malisk, Program Director SACS, Women and Families Center, Supports:

The development of a model policy would lay the foundation for a more effective reporting process. Establishing the responsibilities of officers at the scene of the assault would limit unnecessary confusion and stress for the survivor. Survivors experience a wide range of emotions and responses to their experience. When the process is not clear, it can introduce added confusion and destabilization for survivors. Requiring the development and distribution of informational materials to survivors when they encounter police would better inform survivors of their options for support. When clients know their options and receive the support of an advocate, they often report feeling less alone and validated.

Amanda Moreau, Adult Sexual Assault Advocate, Susan B. Anthony Project, Supports:

Expresses the benefits of sexual assault victims with the addition of this policy. Shares that this policy benefit victims and the law enforcement responding to these crimes by streamlining the process and increasing confidence in responding to these situations. With this we can make progress towards ending stigma against sexual assault reporting.

Natasha M. Pierre, State Victim Advocate, Office of the Victim Advocate, Supports:

Shares, Connecticut has been a national leader in the supervision of persons convicted of sexual offenses with the Special Sex Offender Supervision Units of the Office of Adult Probation. Connecticut must continue to lead by developing a model policy for the law enforcement's response to incidents of sexual violence and by ensuring victims/survivors receive the appropriate response, support, and services.

Cindy Prizio, Executive Director, One Standard of Justice, Supports:

An advisory council to establish best practices in this fraught policy area is desperately needed. However, in order to be effective, it must have a range of stakeholders at the table that can bring a variety of perspectives. A clear view of those who are accused and/or convicted of sexual offenses needs to be incorporated if the work will lead to success. We also need to honor all victims and be sure all survivor perspectives are being heard.

Samantha Valle, Student, University of Connecticut, Supports:

Expresses how in order to effectively assist survivors of sexual assault and ensure they have the chance to thrive within our communities, law makers must pass H.B. 5399. We must prioritize the responsibilities of a trauma-informed peace officer. In doing so, we can fortify victim support services and amplify survivor voices. Failure to invest in these initiatives will not only compromise the success of individual cases but also perpetuate systemic injustices against survivors. It is incumbent upon us to acknowledge the facts and prioritize the implementation of measures that foster empathy, understanding and resilience within our justice system.

Carley Van Buiten, Supports:

Urges the support this model policy advisory council to assess the way in which sexual assault is viewed in the criminal justice system and the policies used to address it. It is vital to protect victim's rights to report sexual assault without fear of intimidation, blame, or retaliation from law enforcement. Suggests that a model policy is needed to incorporate empathetic and trauma-informed procedures when interviewing victims in order to conduct the most effective investigations. Expresses how this is complex and multifaceted issue that requires a Sexual Assault Criminal Justice Response, Enhancement and Model Policy Advisory Council to

critically address the shortcomings of the criminal justice system in response to sexual assault.

NATURE AND SOURCES OF OPPOSITION:

None Expressed.

Reported by: Casey Urso (Assistant Clerk)

Date: March 27th, 2024