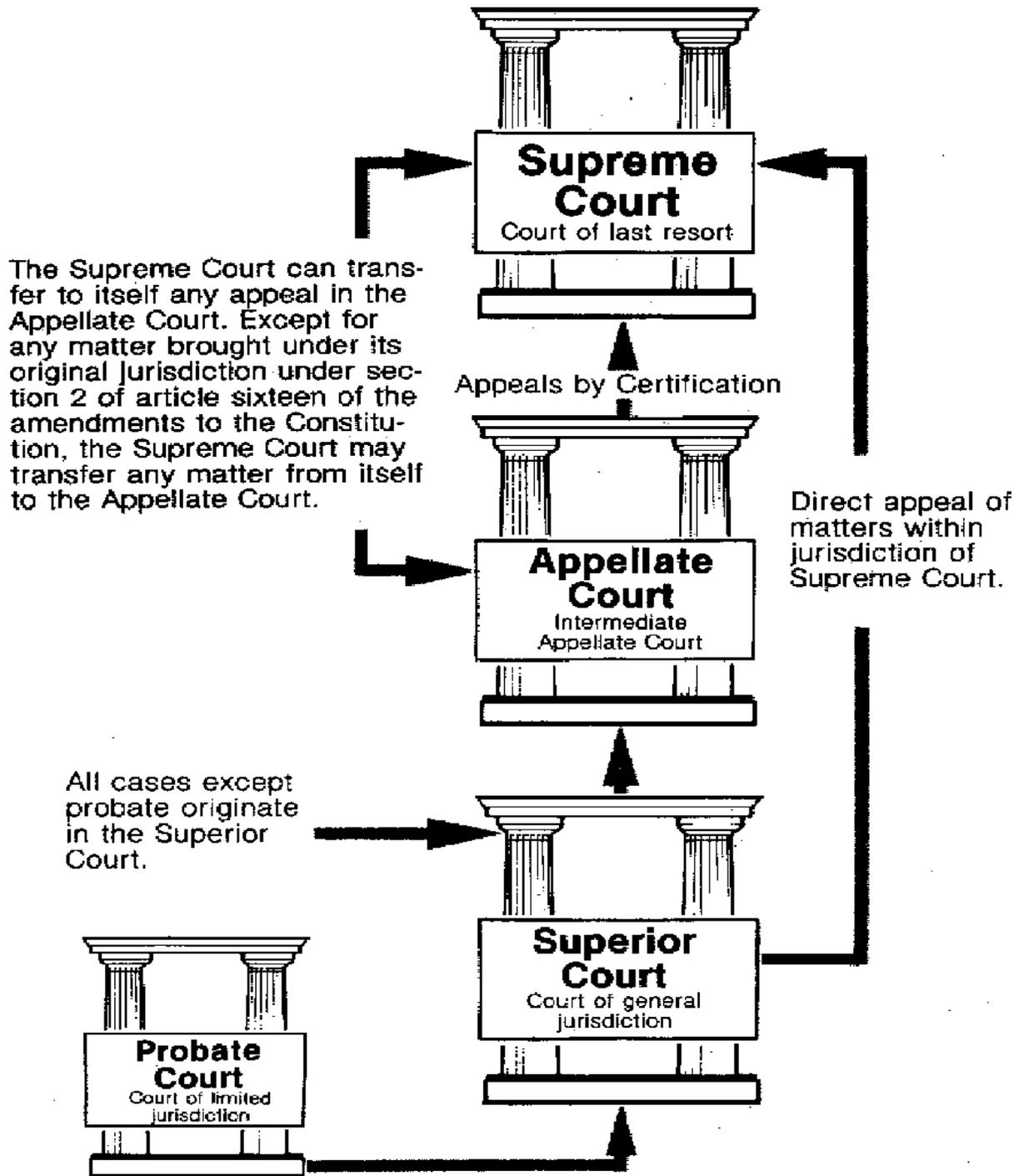


Connecticut Court Structure



The above diagram depicts the relationship between Connecticut's courts. Shaded arrows indicate routes of appeal.

Video Viewing Guide Questions

The Pursuit of Justice: Judges and Juries

1. What rights are established by the Constitution for people who have been arrested?

2. What is the mission of the Connecticut Superior Court?

3. True or False – Judges have considerable power and discretion when handling legal matters, but laws and rulings of higher courts limit their powers. _____
4. What three courts comprise the Judicial Branch in Connecticut?

5. The Appellate Court reviews decisions, called judgments of the Superior Court. In conducting the review, the Appellate Court looks to see if a mistake was made on the basis of the _____.
5. The highest court in Connecticut and the court of last resort is the Connecticut _____.
6. How does one become a judge in Connecticut?

7. True or false? Judges must be re-elected in Connecticut every 8 years. _____.
8. There are approximately _____ cases per year that are decided by a jury in Connecticut.
9. Prospective jurors are chosen from 4 lists. What are they?

10. True or False? The attorneys in the jury selection process, called *voir dire*, may individually interview each prospective juror? _____

Video Viewing Guide Questions for *The State of Connecticut v. Michael T.*

1) What was Michael's attitude throughout the whole arrest and court appearance?

2) What did the Victim Advocate tell Sarah and her father?

3) What did the Family Relations Counselor do?

4) Who are the major players in this court case?

5) Who are the support staff in this court case?

Newspaper Article pertaining to the Thurman Case

The Hartford Courant

Torrington Suit Held Valid

Wives May Sue Police for Protection

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By GEORGE GOMBOSSY

Courant Staff Writer

10/24/1984

A battered wife may sue police in federal court for refusing to prevent her husband from assaulting her, a Hartford federal court judge ruled Tuesday.

The ruling was made in a suit brought by a Torrington woman who charged local police had refused to protect her from her estranged husband -- who had publicly threatened to kill her -- until he had repeatedly stabbed her.

U.S. District Judge M. Joseph Blumenfeld Tuesday refused to dismiss the suite brought by Tracey Thurman despite Torrington officials' arguments that she had not claimed any valid federal violations of her civil rights. However, the judge dismissed claims made on behalf of Thurman's 2^{1/2} year old son because there were no allegations that repeated threats had been made against the boy.

Bridgeport lawyer Judy Mauzaka said she believes Blumenfeld's decision for her client is precedent-setting.

While other recent court rulings have said that police can be sued for failing to assist potential victims, Mauzaka said that to her knowledge this is the first federal ruling saying a woman has the same right to be protected by police from her husband as she does from a stranger.

"If we win (the suit) there will be a new source of protection for battered wives," Mauzaka said.

The suit charges that this case was not isolated and that for a long time the Torrington Police Department "condoned a pattern or practice of affording inadequate protection, or

no protection at all, to women who have complained of having been abused by their husbands or others with whom they have had close relations."

Bridgeport attorney Thomas M. Germain, who is representing the town of Torrington and its police department, had no comment Tuesday on the decision, saying it is inappropriate for him to discuss pending litigation.

Thurman's suit, which seeks \$3.5 million in damages, charges that she and others notified Torrington police numerous times from October 1982 to June 10, 1983, that her estranged husband Charles Thurman made repeated threats against her life.

The complaints, the suit states, were generally "ignored or rejected" even though Thurman was under court order not to make contact with his wife.

According to the suit, the final incident took place June 10, 1983 when Charles Thurman stabbed Tracey Thurman in the chest, neck and throat with a knife 10 minutes after she had called police.

One police officer arrived at the scene 25 minutes after the call was made, and that officer did nothing to stop Charles Thurman from kicking his estranged wife in the head, the suit claims.

Thurman was arrested only after several other police officers arrived at the scene and Thurman allegedly again made a threatening move toward his wife, according to the suit.

Thurman is now appealing his first-degree assault conviction, Mauzaka said.

The suit says that Thurman, who was a cook in a Torrington restaurant frequented by

local police officers, told police he was going to kill his wife.

"In the course of his employment he boasted to said defendants that he intended to 'get' his wife and, on some occasions, that he intended to kill her, the suit says.

A court order barring Charles Thurman from making contact with his wife stemmed from his Nov. 9, 1982 arrest on a breach of peace charge after he broke the windshield of his estranged wife's car while she was in the vehicle.

The suit says that a police officer watched the incident, which allegedly was preceded by Thurman's screaming threats at Tracey Thurman, without taking any action to protect her.

In seeking the suit's dismissal, Germain said that equal protection under the Constitution does not guarantee equal application of public services. "Rather it only prohibits intentional discrimination which is racially motivated."

"There is no allegation that the defendants' alleged actions resulted from an intent to discriminate against the plaintiff Tracey Thurman, nor is there any allegation which would support a claim that any alleged discrimination was a result of plaintiff's race or gender," wrote Germain.

However, Blumenfeld rejected Germain's arguments.

"City officials and police officers are under an affirmative duty to preserve law and order, and to protect the personal safety of persons in the community," Blumenfeld said in his decision.

"This duty," he continued, "applies equally to women whose personal safety is threatened by individuals with whom they have or have had a domestic relationship as well as to all other persons whose personal safety is threatened, including women not involved in domestic relationships."

"If officials have notice of the possibility of attacks on women in domestic relationships or other persons, they are under an affirmative duty to take reasonable measures to protect the personal safety of such persons in the community. Failure to perform this duty would constitute a denial of equal protection of the laws," Blumenfeld wrote.

Mandatory Arrest Provision

Segment 3: Public Act 86-337

PA 86-337 - sHB 5255
Appropriations Committee
Judiciary Committee

AN ACT CONCERNING FAMILY VIOLENCE PREVENTION AND RESPONSE

SUMMARY: This act addresses family violence and response to it by the police and the courts. It provides directives and guidelines to the police and the courts on how to handle family violence cases and mandates the establishment of training programs for the police, judges, and court personnel.

The act establishes a "pretrial family violence education program" whereby a person charged with a family violence crime (e.g., spousal abuse) can, under specified circumstances, have the charges against him dismissed if he successfully completes an educational program. The program is available only once to an offender and only for misdemeanors (or, "for good cause shown," a class D felony).

The act requires the creation of family violence response and intervention units in all the geographical area courts and provides for the collection of statistical data on family violence over the next five years.

EFFECTIVE DATE: October 1, 1986

FURTHER EXPLANATION

Family Violence and Family Violence Crimes

The act defines "family violence" as an incident between family or household members that either causes physical injury or creates fear that physical injury is about to occur. The phrase "family or household members" is also defined. It means spouses, ex-spouses, people who have a child in common, people over 16 years old who are related to each other in any way, and people who either "reside together" or who have ever resided together.

The definition of "family violence crime" is any felony or misdemeanor that also constitutes family violence. The definition also contains examples of crimes that are family violence crimes. The examples (by statutory reference) range from kidnapping and sexual assault to damaging public property and tampering with smoke detectors.

Police Behavior, Arrests

The act provides an approach that the police must take when responding to family violence crimes. In making their decision whether to arrest, the police are not to take into account the relationship of the victim and suspect, nor whether the victim wants the suspect arrested. Additionally, the police are not to discourage requests for police intervention in domestic violence cases by threatening to or suggesting that they will arrest both the victim and the suspect.

The act also requires the police to evaluate each complaint from two or more opposing parties separately when deciding whether to seek arrest warrants for one or both of the parties.

Police Behavior, Victim Assistance

The act requires the police responding to family violence scenes to provide immediate assistance to victims, including helping them get medical help, informing them of their right to file for an arrest warrant, and referring them to the Criminal Injuries Compensation Board. In addition, when the police cannot make an arrest, the act requires them to remain on the scene until, in their “reasonable judgment,” the likelihood is eliminated that violence is about to reoccur.

Police Immunity

The act specifies that the police are not to be held civilly liable for personal or property injury when the suit is brought by “any party to the family violence” and the suit is for an arrest based on probable cause.

Child Abuse Reports by DCYS

The act amends the current child abuse reporting statute by specifying that the commissioner of the Department of Children and Youth Services is allowed to notify the appropriate law enforcement agency or agencies whenever the department's investigation of a reported incident of suspected child abuse produces evidence of abuse, and the commissioner deems such notification to be necessary. The commissioner could do this under prior law, but the statutes did not specify it.

The act requires the commissioner to adopt regulations by February 1, 1987 to carry out the notification provisions.

Family Violence Response and Intervention Units

The act requires the Judicial Department, via the Family Relations Division of the superior Court, to establish a “family violence intervention unit” in all geographical areas. The units must be coordinated and governed by a formal agreement between the Judicial Department and the chief state's attorney, which is within the Division of Criminal Justice. The act requires the family intervention units to:

1. Accept referrals of family violence cases from a judge or prosecutor,
2. Prepare written or oral reports on each case for the court,
3. Provide or arrange for services to victims and offenders,

4. Administer contracts to carry out these services,
5. Provide monitoring systems for all restraining orders, and
6. Establish centralized reporting procedures.

Pretrial Family Violence Education Program

The act creates a pretrial family violence education program for people who are charged with family violence crimes. When a person is charged with such a crime, he can ask the court to place him in the program. If the defendant successfully completes the program, the charges are dismissed. In order to qualify for the program, certain conditions must be present.

1. The crime he is charged with must be no more serious than a misdemeanor, or, if there is good cause, a class D felony. Thus, for example, a person charged with first degree assault or risk of injury to a minor would be ineligible; a person charged with second degree assault would be eligible only if good cause were shown.
2. The defendant must not have previously taken the program.
3. The defendant must not have been convicted of, or accepted accelerated rehabilitation for, a family violence crime committed after October 1, 1986.

The act requires the court to notify the victim of the defendant's request for the program and, if possible, to give the victim an opportunity to be heard. Additionally, the court can postpone its decision on acceptance into the program until it gets a report from a family violence intervention unit.

The defendant must, if he is able, pay a \$200 fee to the court to take the program. The money goes to the general fund.

Guidelines and Police Training

The act requires all "law enforcement agencies" together with the Criminal Justice Division to develop and implement guidelines for arrest policies in family violence incidents by October 1, 1986.

The act requires the Municipal Police Training Council, in conjunction with the Division of Criminal Justice, to establish an education and training program for law enforcement officers and for state's attorneys. The program is to be on the handling of family violence incidents and must include, among other things, the responsibilities of the police as to making arrests, providing assistance to victims, and informing victims and batterers of services and facilities available.

Training for Judges and Bail Commissioners

The act requires the Judicial Department to establish an ongoing training program for judges, family division personnel, bail commissioners, and clerks to inform them about the act's policies and procedures, the functions of the family violence intervention units, and the use of restraining orders.

Restraining Orders

The act adds 16- and 17-year-olds to those allowed to apply for restraining orders against a family or household member, a spouse, ex-spouse, or a person with whom he or she has a child in common. Prior law only allowed adults to apply for restraining orders.

The act probably also expands the category of people against whom restraining orders can be issued. Prior law allowed them against "household members" but did not define the term. The act defines the term as described above, broadly, to include former household members and relatives.

The act requires copies of the restraining order to be sent to the appropriate law enforcement agency, the applicant, the defendant, and the Family Division of the Superior Court.

The act requires the Family Division to keep a registry of all restraining orders in force and to inform the police of the status of such orders.

Contempt

The act requires an expedited hearing when a motion for contempt is filed for violating a restraining order. The defendant must get at least 24 hours notice of the contempt hearing and the hearing must be held within five days of notice.

The act allows the court to impose appropriate sanctions for violating a restraining order (under current rules of court this could include up to 30 days imprisonment).

Family Violence Offense Reports

The act requires the police to complete a "family violence offense report" whenever they respond to a family violence incident and subjects them to a fine of up to \$500 for failure to do so. The purpose of the report is to provide statistics on family violence. When an arrest is made, a report must be completed that includes the names, ages, sex, and relationship of the parties, whether children were involved, whether weapons were used, the type and extent of alleged abuse, the existence of substance abuse, the existence of any prior court orders, and any other information needed for a complete analysis of all the circumstances leading to the arrest.

The police must send the report to the state's attorney for the appropriate judicial district. The act requires the Department of Public Safety to tabulate the data from the reports annually and send it to the governor and the General Assembly for the next five years.

The act eliminates a requirement that the police submit abuse-suspicion reports to the commissioner of human resources.

Medical Data Collection Reports

The act requires medical providers to complete a report on any patient treated for injuries that the medical provider reasonably believes were caused by family violence

or when the patient says they were. The medical provider can be fined up to \$500 for failure to complete a report. Unlike the police reports, the medical reports do not have to contain the victim's name. They must contain the relationship, sex, and age of the parties, whether the incident was verified by the victim, the type of injuries, whether medical attention or hospitalization was required, whether the victim has previously sustained injuries from family violence, the action taken, the source of the report, and the address of the reporter.

The act requires the medical providers to send their reports to the Department of Public Safety quarterly. The department must compile the data from the reports annually and send it to the governor and the General Assembly for the next five years.

The act deletes a requirement that emergency room personnel submit abuse-suspicion reports to the commissioner of human resources.

Family Division Data

The act requires the Family Division of the Superior Court to maintain a statistical summary of all cases referred to the family violence intervention units and to submit the data to the Department of Public Safety, which must compile and submit the data annually to the governor and the General Assembly for the next five years.