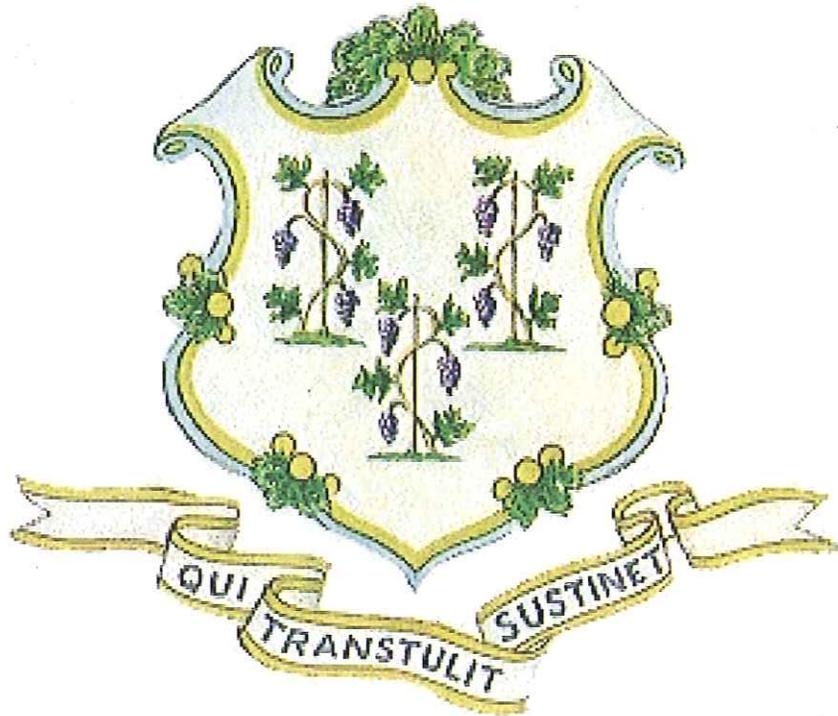


# *Office of the Victim Advocate*

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## **Murder of Jennifer Gauthier Magnano Investigative Report**

August 23, 2007  
Plymouth, Connecticut

November 30, 2009

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## PREFACE

During the late evening hours of August 23, 2007, Jennifer Gauthier Magnano's four month struggle to be free from her abusive husband came to a violent end when she was murdered by her abusive husband, Scott Magnano, who then turned the gun on himself and took his own life. The State of Connecticut's Office of the Victim Advocate (OVA), whose charge it is to assess the services provided to crime victims as they journey through the criminal justice system, has conducted an investigation into the services, or lack of, provided to Jennifer and her three children, when she, for the first time, bravely attempted to flee her abusive and controlling husband. Sadly, this report demonstrates that Jennifer and her children were met by many unnecessary and avoidable obstacles in their plight to be free from Scott Magnano's abuse. Although this report highlights those obstacles and gaps in services to crime victims, it should be clear that the actions of Scott Magnano alone caused the untimely and violent end to the life of a beloved mother of three, Jennifer Magnano. The purpose of this investigative report is to retrace the steps taken by Jennifer Magnano through review of various documents, statements, reports, as well as information gleaned from numerous interviews from both agencies and individuals. Once the facts were established, the OVA then assessed whether the systems in place to protect domestic violence victims from harm at the hands of their abuser were appropriate and, more importantly, were being administered in the manner intended by the legislature and policy makers in the state.

It has been twenty-six years since Connecticut hit the radar regarding the incidents involving the Torrington Police Department, the assault on Tracy Thurman's life and subsequent lawsuit, which forever changed the laws as they pertain to domestic violence. This investigation, unfortunately, highlights that we are still losing the battle against domestic violence. We have a long way to go. According to The Department of Public Safety in 2006, there were a total of 135 murders in the state, twenty-five (18.15%) of which were identified as domestic related<sup>1</sup>. Although many of the attitudes and reactions to domestic violence have changed externally over the past two decades; many of the same internal attitudes and beliefs have remained stagnate and unchanged over the past two decades within our society. The laws will continue to evolve as we learn how better to protect battered persons; but it is time for the attitudes and beliefs of the professionals who deliver services to domestic violence victims to change as well.

It is most distressing, that no one, in the *entire* criminal justice system, ever referred Jennifer and her family to the OVA. Had Jennifer been referred to the OVA, she would have been able to address the failures in the system immediately and, hopefully, with the assistance of the OVA, she would have been able to access the protections that should have been in place for herself and her young family.

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<sup>1</sup> The twenty-five include only incidents in which an arrest was made and the arrestee was related to the victims(s), including persons living together and persons in dating relationships. Based on the above it is probable that the numbers are even higher.

## Jennifer Gauthier-Magnano

From all accounts Jennifer Magnano was a beloved mother, daughter, sister and friend. She was married to Scott for 14 years and the couple had two children, David and Emily Magnano. Jennifer also had an elder daughter, Jessica Rosenbeck, from a previous marriage. Jennifer and Scott Magnano, along with the three children, resided in their family home located at 164 Scott Road, Terryville, CT. Sadly, Jennifer and the children suffered years of abuse at the hands of Scott Magnano. The abuse began after the birth of David and, apparently, became worse during the last six years prior to Jennifer leaving. Additionally, Jessica Rosenbeck was sexually abused by Scott Magnano for approximately three years prior to leaving the home with her mother. The facts reveal Jennifer Magnano and the children were completely controlled by Scott Magnano. From the records reviewed and the interviews conducted, Scott Magnano was incredibly compulsive about hygiene and cleanliness; he had rules regarding bathing, vacuuming, meal consumption, how to enter the home and how to shovel snow, just to name a few. Jennifer Magnano and the children's lives were choreographed by Scott in every manner possible. Jennifer was not allowed to work for most of the marriage, nor was she permitted to maintain contact with family or friends. Further, the children were prohibited from socializing and participating in extracurricular activities.

On April 14<sup>th</sup>, 2007, Jennifer Magnano courageously left Scott for the first time. She and the children snuck out of the home at 11:00 pm, while Scott was taking a shower. This departure was the beginning of a four month long journey, where despite doing everything in her power to protect herself and her children, Jennifer encountered a myriad of obstacles as well as ill advice from several professionals in the field. Sadly, her life came to an abrupt halt, on the evening of August 23<sup>rd</sup>, 2007, when Scott Magnano barged into the marital home, armed with a gun and took her life in the presence of their fifteen year old son.

The following is the investigative report assessing the services provided to Jennifer and her three children as they tried to disentangle themselves from Scott and his abuse. The report identifies gaps in services to Jennifer and her children and recommendations for changes to prevent similar tragedies in the future.

## **FACTS:**

The following facts were gathered from extensive police reports, interviews, and legal documents.

On April 14<sup>th</sup>, 2007, during the morning hours, Jennifer Magnano, Scott Magnano, David Magnano, Emily Magnano and Jessica Rosenbeck were in the family's home located at 164 Scott Road, Terryville. By all accounts Scott Magnano was in a bad mood due to an upcoming medical appointment. He became enraged when his mother, Mary Lou Magnano's, microwave broke while Jennifer Magnano was making breakfast. Jennifer and Scott were in the process of installing another microwave, when Scott yelled at Jennifer, "I could kill you right now and have no remorse!" Scott continued complaining that he would have to spend the entire day fixing the microwave and would miss his doctor's appointment. In an attempt to calm him down, Jennifer suggested that Scott concentrate on getting ready for his medical appointment and not to worry about the microwave. Unfortunately, Jennifer's comment only enraged Scott further and he backhanded Jennifer across her face.

Scott stormed into the playroom where the three children were and began yelling and screaming at them. He barked that he did not want to hear any of the children's "fucking complaints" during the day. Scott asked if the children "got it". Jessica Rosenbeck did not respond immediately. Scott, upset at Jessica's lack of response, walked over to her and slapped her in the face with an open hand. When Jessica began to cry, Scott sent her out of the room stating he didn't want her crying in front of the other children.

Jennifer had tentative plans for her and the children to leave Scott that summer, but after this last incident, Jennifer made the decision to leave that night. When Scott was out of their presence, she mouthed to the children they were leaving. This was the first and only time Jennifer ever left Scott.

Later that evening, Scott beckoned Jessica into his bedroom. He told her that he was sorry that he had to hit her, explaining that she had it coming because she had looked noncompliant. At the time of these statements, it was reported that Scott had his hand up Jessica's shirt and was touching her breasts.

The remainder of the day, Jennifer was able to pack only a few belongings. Jennifer and the children were not able to talk about leaving because Scott remained in the house throughout the day. That night the family had dinner together. Then, at 11:00 pm that night, when Scott took his daily shower (which usually lasted 45 minutes), Jennifer and the children fled in her van. They sought shelter in a Torrington motel that was paid for by Jennifer's friend, Tracy Gallo. The next day Gallo brought Jennifer and her children to a Southington motel which was funded by a friend of Jennifer's named Dee.

On April 15<sup>th</sup>, 2007 Scott Magnano called the Plymouth Police Department and reported that his wife and children had gone missing. He told the police he had taken a shower,

and when he got out of the shower they had disappeared along with Jennifer's van. He reported there had been no problems, but he believed Jennifer may have left the state.

On April 16<sup>th</sup> 2007 Scott Magnano spoke with Officer D'Angelo to report his wife and children missing again. This time, however, he mentioned there was an argument prior to the family leaving. A missing persons report was filed for Jennifer and the children.

On April 17<sup>th</sup>, 2007 Randy Rosenbeck reported to the Plymouth Police Department, that his daughter, Jessica Rosenbeck, was missing. Randy Rosenbeck was informed that a missing persons report had already been filed for the family. Nonetheless, Randy Rosenbeck filed a second missing persons report on behalf of his daughter, Jessica Rosenbeck. He informed the police he was concerned because he had heard Scott had assaulted his daughter. He stated, additionally, Jessica was a straight "A" student and yet she had missed two days of school; it was out of character for her to miss school. Furthermore, he had not heard from her.

On April 17<sup>th</sup>, 2007 Robert Gauthier, Jennifer's father, contacted the police. He was concerned about his daughter and grandchildren. He reported to the police that Scott was a violent and controlling person and would not allow Jennifer to have credit cards. He feared Scott had harmed Jennifer and the children. Gauthier told Officer D'Angelo of his past concerns, that Scott had hit Jessica for interfering in arguments between Scott and Jennifer. In addition, Jennifer's sister, Cindy, had reported to Gauthier that Scott told Jennifer if she left, Scott would kill her.

On April 17<sup>th</sup>, 2007 Officer St. Onge spoke with Sandra Bishop, a neighbor of the Magnanos, at her home, about the missing Magnano family. Ms. Bishop stated that she had not seen the family since Saturday, April 14<sup>th</sup>, 2007. She voiced her concerns that Scott kept Jennifer on a "short leash"; the children were always sent to play outside and not allowed in the house. She stated that Scott was often fiddling outside late at night. In addition, she had heard that David, Scott and Jennifer's fifteen year old son, had sent an email to a neighbor friend, saying his mother had made a plan to leave with the children in June and that David hated his father. Sandra called the police shortly after Officer St. Onge left her home, to report Scott had contacted her and wanted to know what the police wanted and whether he was a suspect.

On April 17<sup>th</sup>, 2007 Officer St. Onge spoke with Jessica's employer who was equally concerned because Jessica had not come into work. She reported that Jessica rarely missed work and the fact that Jessica was not at work for two days indicated to her something was very wrong.

On April 17<sup>th</sup>, 2007, the Plymouth Police sent officers over to the Magnano residence to speak with Scott and search the home. After the police looked through the home, Scott, unsolicited, told the officers he would never hurt Jennifer; he told the police he would seek counseling and even move out if Jennifer wanted.

On April 17<sup>th</sup>, 2007, the Plymouth Police spoke with Tracy Gallo, a family friend of the Magnanos. Gallo stated that she had not spoken with Jennifer recently, but she knew Jennifer was leaving in June because of the abuse. Gallo recalled Jennifer mentioning Scott had struck her; kept her isolated; threatened to slit his own mother's throat because the mother knew about the abuse; and recently punched Jessica. Gallo felt that the blow dealt to Jessica had likely been Jennifer's final straw and the reason they left. (Jessica Rosenbeck, during an interview with the OVA, denies that Scott ever punched her. She does state Scott had slapped her with an open hand on several occasions.)

On April 17<sup>th</sup>, 2007 the Plymouth Police spoke with Lauren Savastio, Jessica Rosenbeck's friend. Savastio reported that Jessica had told her Scott had been physical with her. Jessica told Savastio that her mother and siblings were planning to leave in June. Savastio stated Scott was controlling; he would not allow Jennifer to get a job and Jennifer was afraid of Scott. According to Savastio, Jessica had told her Scott threatened to kill Jennifer if she ever left him.

On April 18<sup>th</sup>, 2007 the Plymouth Police received a call from a female who identified herself as Jennifer Magnano. She did not want the police to know where she was because she was afraid Scott would find her. She told the Officer she was "deathly afraid to contact the police". She reported that in the past Scott threatened that if she left him, he would kill her and her daughter, Jessica. She had not told any of her family members where she was, because she was afraid Scott would find her and the children and come after her. Jennifer told the officer she was willing to meet with the Plymouth Police to be identified in response to the Missing Person's report that had been filed with the police. The Plymouth Police promised Jennifer they would not tell Scott her location. Jennifer was advised to call Prudence Crandall, a women's shelter, located in Torrington, CT. She was not advised to obtain a restraining order.

On April 18<sup>th</sup>, 2007 Officer Sulek, whom Jennifer was familiar with from his position as the school resource officer at her children's school, made arrangements with Tracy Gallo to meet with Jennifer. Jennifer confided in Tracy that the only reason she agreed to meet with Officer Sulek was because she was familiar with him from his employment at her children's school and that her children trusted him. Officer Sulek made arrangements to meet Jennifer behind the Main Street School at 3:15pm. Officer Sulek went to the location and observed a tan van and a female driver, who was later identified as Jennifer Magnano. They agreed to move to the new industrial park so that they could talk away from the police department.

Officer Sulek met Jennifer at the new location and observed the three children were with Jennifer. The youngest female (later identified as Emily Magnano) stated to the officer that her father is "really crazy". Jennifer and Officer Sulek went to his cruiser and talked privately. She reported to the Officer a long history of abuse. She stated Scott had abused her during their entire marriage, but during the past six (6) years the abuse had escalated to bruised ribs, black eyes and on several occasions, he smashed her face. She reported that on April 14<sup>th</sup>, 2007 Scott became upset over a broken microwave and back handed her across the face. When Jennifer's eldest daughter came to her aid, Scott hit her

as well. She stated she had planned to leave Scott at the end of the school year, but when Scott hit her and Jessica, she decided to leave that night. She told the Officer, when Scott got in the shower that night, she and the children fled the house. She stated that the only window of opportunity for her and the children to leave was when Scott took his nightly shower, which was usually a 45 minute ordeal. She was scared to leave Scott because he had told her over and over, if she left him, he would kill her and Jessica. Scott had also threatened to kill Jennifer's sisters if she left him. However, Jennifer was equally afraid to stay with Scott; she was positive Scott would kill her if she stayed and yet she felt that if she left, he would find her and kill her too. Jennifer stated that whenever there was a domestic murder in the paper or on the news, Scott would tell her that is what would happen to her if she left him. Jennifer told the Officer she was deathly afraid she would end up dead at the hands of Scott Magnano. She recalled an incident when Scott had punched her in the face with a closed fist, because she put bacon on the wrong plate and another incident when she was assaulted because the toilet over flowed. She said at times Scott's mother, who lived downstairs in the basement apartment, would come up and tell Scott to stop or she'd contact the police. Then Scott would turn his rage on his mother. When the Officer asked why Jennifer never reported the incidents to the police, Jennifer stated that she would be dead before the police arrived. She told the officer that there were so many times she had seen the Officer at the children's school and wanted to talk with him, but was afraid Scott would find out.

Jennifer reported that Scott had been inappropriate with Jessica, her older daughter. Scott had asked Jennifer to tell Jessica that a father's role is to teach his daughters how to please a man. Jennifer reported that Scott touched Jessica in a sexually inappropriate manner and she was uncomfortable with his behavior.

Jennifer reported that when they left the house on April 14<sup>th</sup>, 2007, the children kept saying, "we did it!", "we did it!" One of the children told Jennifer that leaving was an early mother's day present. Officer Sulek spoke with the children to ensure they were not being held against their will. All the children said they were happy to be away from Scott.

Officer Sulek tried to convince Jennifer to file a complaint but left the decision up to Jennifer, despite her report of numerous incidents of abuse and Jennifer's terror of Scott. Jennifer told the Officer several times when they spoke that Scott was going to kill her and her daughter Jessica.

Officer Sulek, according to his report, explained to Jennifer that he would not force her to press charges against Scott<sup>2</sup>. The Officer apparently told Jennifer that he would speak with the State's Attorney or the family side of the court to see what services they could

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<sup>2</sup> In domestic violence cases the victim is not the decision maker as to whether to charge his or her perpetrator. Rather, the decision to charge is purely within the scope of the Officer's duty and obligation to determine if there is probable cause to arrest and, if the Officer determines there is probable cause, the officer is obligated to either arrest on scene or, in cases where the report is delayed, apply for an arrest warrant. The decision whether to charge has been left up to Officer in order to alleviate the likelihood an abuser will pressure a victim to not go forward with a case against the abuser.

provide her and her family. Although Jennifer reported Scott's abuse of her and her children during her meeting with Officer Sulek on April 14<sup>th</sup>, 2007, the Officer did not apply for a warrant at that time nor did he contact the Department of Children and Families as required as a mandated reporter, or recommend that she apply for a restraining order.

After approximately a week of hiding in a motel in Connecticut, and attempting to receive emergency assistance for shelter through the Connecticut Coalition Against Domestic Violence, Jennifer and her three children fled the state and sought refuge in a California battered women's shelter. Jennifer and Jessica also obtained restraining orders from California and meet with the Los Angeles Police Department.

On April 24<sup>th</sup>, 2007 Jennifer Magnano contacted the Plymouth Police Department from California and requested a faxed copy of the report from her conversation with Officer Sulek, which, she stated, he had promised her. She also requested a copy of a medical release form and a thick letter Scott had left for her at the police department.

On April 27<sup>th</sup>, 2007 Scott Magnano went to the Family Courts and filed court documents requesting sole custody of the couple's two children, David and Emily. Since Scott arranged for a Marshal to serve Jennifer by leaving the custody pleadings at her usual place of abode, despite knowing that Jennifer fled from the family home on April 14<sup>th</sup>, 2007, Jennifer Magnano was unaware of the custody proceedings.

On May 7<sup>th</sup>, 2007 Jennifer Magnano contacted Officer Sulek regarding corrections to the police report he authored memorializing their conversation in April. She also faxed copies of her California restraining order and the Los Angeles police report to the Plymouth Police Department for her file; she wanted Plymouth Police Department to charge Scott for the abuse.

On May 11, 2007 Tracy Gallo called the Plymouth Police and requested assistance with harassing phone calls from Scott Magnano. The police called Scott Magnano and asked him to stop calling Tracy Gallo. The Police did not pursue charges.

On or about May 2007 Officer Sulek inquired of State's Attorney Steve Preleski whether the Plymouth Police can charge Scott Magnano for the domestic abuse and sexual assault while Jennifer and Jessica remained safe in California. According to Plymouth Police Detective Robert Wright, State's Attorney Preleski told Court Inspector Gary Lamothe if Jennifer Magnano and Jessica Rosenbeck wanted to have their complaints investigated that they would have to return to Connecticut from California. The Plymouth Police further stated, in their response to the OVA Interrogatories, it is the practice of the Bristol States' Attorney to only accept an arrest warrant application when there is a sign sworn statement by the victim<sup>3</sup>.

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<sup>3</sup> Those of us who deal with domestic violence on a daily basis know that requiring a signed sworn statement by a domestic violence victim is an unrealistic expectation. The law is such that a domestic violence victim does not have to be "on board" in order for charges to be forth coming. We have this practice across the country for a reason – to protect domestic violence victims who fear being attacked by

On June 2<sup>nd</sup>, 2007 the Plymouth Police received faxes from the Los Angeles Police Department and the California Children and Families Division containing the reports Jennifer had filed with each office respectively. The reports outlined the years of abuse, Jennifer's flight from CT for fear of Scott and that she had successfully obtained a California restraining order against Scott. The reports also indicate that Jennifer was attempting to bring criminal charges against Scott.

On June 4<sup>th</sup>, 2007 Scott Magnano was awarded full custody of the children.

On June 8<sup>th</sup>, 2007 the Custody Order is stayed for four weeks until July 6<sup>th</sup>, 2007.

On June 23<sup>rd</sup>, 2007, after learning that Scott had fraudulently obtained custody of the couple's children, Emily (9 years old) and David (15 years old), Jennifer returned to Connecticut from California to fight for custody of her children. It was Jennifer's understanding that if she did not return, she could be arrested. Scott was warned of the California restraining order protecting Jennifer and Jessica from California.

On June 26<sup>th</sup>, 2007 Jennifer Magnano went to the Plymouth Police Department to provide the Police with a second formal statement regarding the abuse. In her written statement, Jennifer outlines over six years of abuse at the hands of Scott. From as early as 1992, after David was born, Scott had threatened to kill Jennifer if she ever left him. She described numerous incidents of abuse. She described one incident on March 18<sup>th</sup>, 2005, when Scott beat her about the head, stating, "this is the way you will die", in front of their children. As a result of this incident, she suffered a black eye and a bruised face. She described another incident on or about September 2005, when she had forgotten to purchase Scott's favorite juice. He hit her and strangled her until she urinated in her pants. She was eventually able to get away and went for the phone, but Scott said if she called the police she'd be leaving in a body bag. She did not call the police. She described another incident in October of 2006, when he punched her, kicked her and bruised her ribs. She describes being scared that he was going to kill her that day. She describes an incident, when Scott beat her and then threatened if she ever left with the couple's children, he'd kill Jessica, then would fly to Arizona and kill Jennifer's sisters. He told Jennifer if she left, he "would" find her and take her in the woods, tie her to a tree and torture her every day, so that she would pray for death because that would be better than what he was doing to her. She described the last incident, prior to her leaving in April 2007, when Scott became angry because the microwave broke. He yelled at her, "I could kill you right now and have no remorse!" He then backhanded her across the face when she tried to help him fix the microwave. She informed the police that she had returned to Connecticut because Scott had obtained custody of the children and that she and Jessica had obtained a restraining order from California protecting them from Scott. Jennifer told the police she had always been afraid to come forward, but now she was ready to testify and wanted Scott arrested for the abuse. Jennifer was not advised by the Plymouth Police to obtain a restraining order in Connecticut.

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their abuser after going to the police. To assign the responsibilities to the domestic violence victims to have to sign a statement in order to have an arrest is an antiquated and outdated practice.

On June 27<sup>th</sup>, 2007 Jennifer went to the Torrington Police Department to report that Scott had been forging her name and cashed six checks of hers. She was instructed to obtain the proper paper work to support the claim. It appears she was told that she may want to file the complaint in Plymouth where she resides and that both Plymouth and Torrington have dual jurisdiction. Jennifer may very well have interpreted this conversation to mean that she had to file the report in Plymouth.

On June 28<sup>th</sup>, 2007 Jennifer Magnano went to the Plymouth Police Department to report the theft of several credit card checks and unauthorized use of her credit cards. The amount in question was \$83,000 in checks and \$5,900 in credit card charges. She told the Officer she was afraid of Scott, had fled the state, and then was forced to return. While in California she had received notice of the inappropriate activity on her accounts. She was successful in intercepting the funds from the checks, but not the credit cards charges. She wanted Scott held accountable. The Officer made contact with Scott. Scott gave a verbal statement and asked whether the charges could be dropped, if he paid the credit cards off. The resulting warrant application for Forgery in the 3<sup>rd</sup> Degree and Illegal use of a Credit Card was not completed and submitted until August 13<sup>th</sup>, 2007.

On July 12<sup>th</sup>, 2007 Scott Magnano was ordered, via a Family Court Order, to leave the marital home and stay 100 yards away from Jennifer<sup>4</sup>. Because of the limitations of this type of order, the Plymouth Police were not alerted that Scott must stay away from Jennifer and her children. According to the Order, Jennifer was also allowed to move back into the home with the children.

On July 14<sup>th</sup>, 2007 Jessica Rosenbeck provided the Plymouth Police with a statement corroborating several of the domestic abuse incidents involving her mother, Jennifer Magnano. Jessica's statement also contained allegations that Scott had sexually abused her on several occasions. The statement further indicated that on April 14<sup>th</sup>, 2007 Scott had slapped her in the face and touched her breasts. Jessica reported that Scott was paranoid and incredibly controlling, and would tell the family how much toilet paper and soap to use, how to shower and so forth.

On July 18<sup>th</sup>, 2007 Jessica Rosenbeck returned to the Plymouth Police Department to report that Scott Magnano had cancelled one of her credit cards (Capital One), had it re-issued and sent to his mailbox. Once the credit card was re-issued, Scott, who was not an authorized user, began using the credit card. Jessica explained to the Officer that along with her mother and siblings, she had fled to California and stayed in a battered women's shelter in order to escape Scott's abuse.

On both August 4<sup>th</sup> and 5<sup>th</sup>, 2007 Jennifer Magnano contacted the Plymouth Police. She explained that the court ordered Scott Magnano out of the marital residence and yet he had not left. The Police Officer informed Jennifer that because the Family Court's Order was a civil matter, the police could not assist her and that she should call her attorney

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<sup>4</sup> This type of stay away order is ground in common law and, as such, is not entered into the protective order registry, unlike statutory restraining and protective orders.

instead. She was not advised of her option to obtain a restraining order nor did the Police Officer assist her in returning to the residence to discuss the order with Scott.

On August 9<sup>th</sup>, 2007 Scott Magnano went to the Plymouth Police Department in response to the claims of Identity Theft and Forgery. Scott denied the allegations. In a written statement he stated Jennifer's allegations were a smear campaign to ruin his reputation, credibility and a way for Jennifer to gain an unfair advantage in their custody/divorce case.

On August 10<sup>th</sup>, 2007 Plymouth Police Officer Sulek completed and submitted his first warrant application against Scott Magnano for Disorderly Conduct and Assault in the Third Degree for the events that occurred on April 14<sup>th</sup>, 2007 – four months after learning of the assaults on Jennifer at the hands of Scott Magnano.

On August 13<sup>th</sup> 2007 Assistant State's Attorney Chris Watson refused the warrant application against Scott Magnano for six counts of Forgery in the Third Degree and one count of Illegal use of a Credit Card. The reason provided for the refusal to sign the warrant application was: "We do not have jurisdiction over this defendant. The crimes occurred in Torrington. This is not a case of Identity Theft, so the Torrington Police have to do the warrant."

On August 15<sup>th</sup>, 2007, State's Attorney Preleski, while meeting with Sgt. Luba on the sexual assault case involving Jessica, learned that Sulek's warrant application regarding the Disorderly Conduct and Assault in the Third Degree charges was nine pages in length. Attorney Preleski instructed Sgt. Luba to have Officer Sulek shorten the warrant application, although Preleski never physically reviewed the nine page application himself. State Attorney Preleski requested the revised report contain only information pertaining to the incident(s) related to April 14<sup>th</sup>, 2007.

On August 16<sup>th</sup>, 2007, several Torrington Police Officers were at the Plymouth Police Department on an unrelated matter, including Sgt. Bruce Whiteley who had originally assisted Jennifer on her forgery and identity theft complaint against Scott. According to a memo from Officer Sulek, he informed Sgt. Whiteley that a warrant regarding the Forgery and Illegal Use of a Credit Card charges had been returned based on jurisdictional issues. Sgt. Whiteley asked Officer Sulek for Jennifer's contact information so he could reach out to her and help her with the complaint against Scott in Torrington. Officer Sulek explained that he was going to call Jennifer anyway and would provide her with the information to contact the Torrington Police Department.

On August 17<sup>th</sup>, 2007, Assistant State's Attorney Ron Dearstynne refused to sign the domestic violence warrant application involving Jennifer as the victim. In rationalizing his reason for failure to sign the warrant, Attorney Dearstynne stated, "She (Jennifer) waited two months to make the formal complaint. Is this an attempt to use the courts as leverage in their divorce case?" Attorney Dearstynne's explanation is almost identical to that of Scott Magnano's versions of facts from the report. Scott, when interviewed by the

police, claimed Jennifer had made up the allegations in an attempt to gain custody of the children and smear his name.

The Plymouth Police Department, after learning the warrant for Disorderly and Assault in the Third Degree for the April 14<sup>th</sup>, 2007 incidents, were denied with the accompanying State's Attorney's dismissive language, did not follow up with the Assistant State's Attorney Dearstyne and provide additional information which may have been helpful. The Plymouth Police had vast information at their fingertips regarding Jennifer's case. Although a majority of history was lost in the decision by State's Attorney Preleski to shorten the report, the final warrant application contained sufficient information to explain the long delay and to authorize the warrant.

On August 22<sup>nd</sup>, 2007, Jennifer Magnano returned to the marital home for the first time since she fled on April 14<sup>th</sup>, 2007. Her daughter, Jessica and father, Mr. Gauthier, both recall that Jennifer felt pressure to return to the home by the Court, DCF, and her attorney. According to both, Jennifer was told by DCF that she should return the children to their previously attended school to provide the children with continuity. Prior to returning to the home, Jennifer called the Plymouth Police and requested assistance. Jennifer explained to the police she was afraid to enter the home for fear that Scott was hiding in the house. Officer Reney went to the home and met with Jennifer and some of her friends. Jennifer told the police she was afraid to enter the home for fear that Scott was hiding in the house waiting to kill her. The police checked the house with the exception of Mary Lou Magnano's (Scott's mother) basement apartment and Scott's office. Scott had the only key to the office. Mary Lou refused to allow the police into her residence, claiming she had not seen Scott in a few days. Jennifer told the police she was afraid Scott was hiding in Mary Lou's apartment and that he would wait until nighttime to come into the home and kill her. Instead of checking Mary Lou's residence, the Officers told Jennifer to go back to court and request the court to order Mary Lou to vacate the residence.

On August 23<sup>rd</sup>, 2007 at 6:43 pm, Jennifer returned once again to the marital home and noticed the blinds had been closed and the front room light was off. She had left the blinds open and the front room light on when she left the house earlier in the day so she would know if anyone entered the home. Jennifer was alarmed and contacted the police. She asked the police to check the house again to see if Scott was hiding in the home. Jennifer told the police she was afraid "Scott Magnano was in the house, waiting to kill her". Officers from the Plymouth Police Department arrived and checked the upstairs portion of the house, but, again, not Mary Lou's basement apartment nor Scott's locked office. The police spoke with Mary Lou who stated she had gone upstairs and closed the blinds. Mary Lou refused to allow the Officers to enter her basement apartment and look for Scott Magnano. Confronted with this obstacle, the police did not check the basement apartment and instead they left the residence, basement unchecked. After the Officers left, Jennifer was assisted by her neighbor, Darrell Bishop in changing the locks of the house to keep Scott out.

Sadly, later that night, Jennifer lost her battle to be free of Scott Magnano's abuse. From all the witness accounts, at approximately 11:02 pm, Scott emerged from "out of nowhere", with a gun and yelling. Some reports indicate Mary Lou was behind Scott, stating "don't do this now". Mary Lou's statement claims she heard Scott say to Jennifer, "let's go for a ride". Scott confronted Jennifer, in front of David and Emily, as well as Lauren, Jessica's friend and Kevin, the neighbor's son. Jennifer pleaded with Scott not to "do this" in front of the children. Scott then pistol whipped Jennifer and grabbed her by her hair. Scott pulled Jennifer by the hair out towards the front steps of the home where he shot her multiple times, in the back and face at close range. David Magnano, following shortly behind them, found his mother collapsed on the stairs, checked her for a pulse, and found none. Scott fled in Jennifer's van and shortly thereafter, shot himself in the head outside the vehicle.

After the murder, the State Police inspected Mary Lou's apartment and found a baby monitor receiver in a basket in her kitchen. The transmitter portion of the monitor was located hidden in a cabinet upstairs in the main house. Mary Lou gave several accounts regarding her interactions with Scott over those last few days. At first she stated she had not seen him in a couple of days and yet later she stated Scott had nowhere to go, so she had let him stay with her. However, she also stated she had made arrangements for him to stay with her friend, Vinney Lago, in Plymouth, who was never interviewed by police. She confirmed with the police she was aware that Scott had hidden his car in the neighbor's garage, the Finger's, next door and that they were on vacation and allowed him to do so. She explained that he hid his car in the Finger's garage so Jennifer would not see it. During the subsequent investigation at the house, it was reported that Emily made a negative statement about Scott; Mary Lou slapped Emily and told her not to talk poorly about Scott. The police witnessed this exchange, but Mary Lou was not arrested for the assault nor risk of injury to a child.

On or about March 14<sup>th</sup>, 2008, the OVA became involved in an inquiry into the facts of the Murder of Jennifer Magnano and Scott Magnano's subsequent suicide, and requested documents and reports from various agencies in order to gather facts related to the case. On April 2<sup>nd</sup>, 2008 the OVA visited the Plymouth Police Department regarding outstanding requests from the OVA for police reports on the Magnano matter. During this visit, the OVA staff met with the Plymouth Police Chief Karen Krasicky, to discuss the timeliness of the Department's response to the requested reports. During this meeting, the OVA had a troubling exchange with Chief Krasicky. While the OVA staff was talking with the Chief, and mentioned Jennifer Magnano, the Chief began to shake her head and said, "You can lead a horse to water but you can't make them drink." In contrast to the Chief's comment, Jennifer had been doing everything she could to protect herself and her children from Scott Magnano. She contacted the police on three separate occasions for assistance and received none. She fled the state, she sought shelter in California. She was actively attempting to flee Scott's abuse.

Plymouth Police Chief Krasicky also informed the OVA staff that Plymouth Police Department is understaffed and are lucky when they have a 911 operator. She stated that

many times the police officers have to fill-in to cover the 911 calls that come into the station.

### **Prudence Crandall and Connecticut Coalition Against Domestic Violence**

The Office of the Victim Advocate (OVA) first learned of the tragic death of Jennifer Magnano while attending a public hearing in the spring of 2008. Jessica and David Magnano were testifying at the public hearing in support of a bill named in memory of their mother. “Jennifer’s Law” would allow, in domestic violence cases, for victims, who have fled the state of Connecticut for protection, to testify through a closed circuit television, from a remote location, regarding family law issues such as custody and divorce. This was a system in place in California where the family had fled and a tool the Magnano children felt could have protected their mother. This particular law if in place at the time in CT, would have allowed Jennifer Magnano to remain in hiding in California, and from that location she could have defended her custody issues in a California Court instead of returning to Connecticut were ultimately, her life was taken at the hands of Scott Magnano.

At the public hearing, after Jennifer’s two children testified, Connecticut Coalition Against Domestic Violence (CCADV) through their Executive Director, Lisa Holden, promised the Judiciary Committee, on March 10<sup>th</sup>, 2008, that CCADV would conduct an investigation into the services provided to Jennifer Magnano. After the family finished testifying, both CCADV and the OVA staff approached the family of Jennifer Magnano and provided the children with business cards to offer assistance to the children. The following Monday, March 14<sup>th</sup>, 2008, Jessica Rosenbeck, Jennifer’s eldest daughter, contacted both CCADV and OVA through email. Although the OVA responded to Jessica Rosenbeck, to this day, Jessica’s email to the CCADV has not been returned despite repeated pleas by the OVA for CCADV to reach out to this family.

After the initial contact with Jessica Rosenbeck, the OVA began its factual inquiry into the case. The OVA reached out to CCADV regarding their promised investigation. By this time, the original Executive Director, Lisa Holden, had left CCADV and an Interim Executive Director, Agnes Maldonado, had taken the position. The Interim Executive Director was unaware of any investigation in the Magnano matter. However, after being alerted to the facts surrounding the promise by CCADV agency head to conduct an investigation, Agnes Maldonado promised to conduct an investigation. However, this investigation has never occurred.

When the permanent Executive Director, Erika Tindill, took her position, the OVA again informed Executive Director Tindill of the promise to investigate and the lack of follow-up with the victim's daughter. At the time of writing this report, CCADV has failed to deliver on its promise to investigate the facts surrounding the services provided to Jennifer Magnano and her children, and has failed to return contact with Jessica Rosenbeck. For the lead agency in Connecticut on Domestic Violence to fail to deliver on its promises to, not only the Judiciary Committee, but also the victims’ family and

community, to investigate the services promised by CCADV to Jennifer Magnano, is disappointing at best.

The first and only time Jennifer Magnano left Scott Magnano was April 14<sup>th</sup>, 2007. One of the first agencies Jennifer Magnano reached out to was the Prudence Crandall Women's Shelter while hiding out in a motel with her three children. Ultimately Jennifer was denied shelter because she had both an adult daughter and a teenage son. She was not offered an alternative shelter nor funds to assist in payment for the motel costs. Jessica, during an interview, reported to the OVA, a long and frustrating process while dealing with Prudence Crandall. She reported that her mother called Prudence Crandall several times and each time was promised a return call. Jennifer waited and, after a period of time, when no one called her back, she called the shelter back. However, each time she contacted the shelter, the staff had changed over and her contact person had left for the day and the present staff persons were unaware of her situation. This scenario occurred numerous times over several days. During these conversations Jennifer was not advised to obtain a restraining order to protect herself and her children. She was not provided funds to offset the cost of the motel. She was told it would take two weeks to clear funds for her to relocate. Jennifer eventually, having run out of options in Connecticut, was forced to relocate herself and children to California and seek assistance at a California shelter. Jennifer and her three children traveled to California, by train, with limited funds gathered from select friends of Jennifer. For the most part, Jennifer had not contacted any family or friends, for fear that Scott would track her down or harm anyone who assisted her and the children. Therefore, when Jennifer left Connecticut she had only enough funds to pay for the train and a few snacks. It was a grueling three day ride.

Letters included in the Department of Children and Families (DCF) files indicate that Prudence Crandall had some contact with a Haven Hills shelter in California and it was confirmed that Prudence Crandall was unable to provide shelter to Jennifer because of Jennifer's adult female child. Additionally, Jennifer Magnano self reported in July 2007, to her DCF worker, that she was denied shelter by Prudence Crandall because she had a teenage son and an adult daughter. She told the DCF staff she could not and would not split up her family. It is important to understand the dynamics of Jennifer and her children. Throughout the volumes of reports and statements in this case, it is documented time and again that this family lived under the complete control of Scott Magnano. The children were not allowed in the refrigerator without permission, there were portions of their home cordoned off that they were not allowed to enter, they were told how to complete general hygiene tasks, how to turn lights on and off, how to take showers, etc. They were essentially controlled by Scott and held hostage in their own home for years. Thus, although Jessica was chronologically twenty-one years old, she was controlled in every way imaginable. We have learned that although Jessica had a bank account, she did not have access to the funds without Scott's approval. Scott dictated to Jessica what college to attend, what major to select, what loans to take out, and so forth. Through an interview with Jessica, the OVA learned that Scott had Jessica pay him \$25.00 per week, to "run her life". Scott also reviewed all mail and bills and would demand explanations

for any and all purchases. For Jessica to have left her mother and siblings and reside in another location would have been unimaginable and terrifying to Jessica and her mother.

Prudence Crandall had several policies in place that the staff did not follow. First, the Magnano family was refused shelter because the family included an adult female (but in retrospect, Jessica was actually a client by definition) and the family included a teenage male. The policy of Prudence Crandall dictates that when the shelter is unable to accommodate a family seeking shelter, an alternative shelter should be arranged – such as a motel or hotel. This did not occur. Additionally, the policy dictates that when a victim is a male or a family includes a teenage male, the shelter staff should arrange for an alternative shelter, such as a hotel, for the male and/or family to be housed. This also did not occur. The shelter staff offered splitting the family up; however, as stated above, the family members were hostages of Scott Magnano and, as such, incredibly terrified and sheltered from the outside world – this was not a viable option for them. For their own well-being, remaining together, as a family unit, would and should have been recognized as vital to the family. Lastly, it is unclear what, if any, safety planning occurred with the Prudence Crandall staff and the Magnano family. What is clear is that at no time did the Prudence Crandall staff advise or encourage Jennifer to seek a restraining order. This was an important tool for Jennifer and clearly an egregious error on the part of Prudence Crandall staff. Although, restraining orders are not always appropriate, in this case a restraining order would have been highly advisable. If Jennifer had a restraining order, she would have been able to seek custody of her children. Additionally, the Family Court would have been in a better position to respond appropriately when Scott petitioned the court for custody and would have been able to recognize the volatile situation.

Additionally, it has been learned that Scott Magnano went to the Meriden shelter office, Meriden-Wallingford Chrysalis, and demanded the location of his wife and children. This information was confirmed by the staff of CCADV. However, none of the shelter/office staff called the police to report the incident nor alerted Jennifer to Scott's encounter with shelter/office staff persons.

Once in California, Jennifer and the children were able to find shelter in a battered women's shelter that accepted the entire family. Jennifer then sought out the local police, made a detailed report of the allegations of abuse and obtained a restraining order against Scott. Jennifer quickly began an attempt to pursue custody and divorce from California, but her efforts were halted by the Connecticut courts, who ordered her to return to Connecticut to address the custody issues.

The OVA, in attempting to review the records and reports of Prudence Crandall, encountered many obstacles and delays. The staff of Prudence Crandall and the agency's attorney claimed confidentiality and requested waivers of Jennifer's estate attorney, as well as David Magnano and Jessica Rosenbeck. However, after careful review of the policies and procedures of Prudence Crandall provided to the OVA, as well as the facts of the Magnano family's request for services from Prudence Crandall, it is the opinion of the OVA that Jessica Rosenbeck and David Magnano, the children of Jennifer Magnano, were "clients" of Prudence Crandall. Jennifer AND her children were seeking shelter and

services, even if it was through their mother. As such, both Jessica and David have a right to request copies of the correspondence with their mother and Prudence Crandall during the time they were seeking shelter and services. Additionally, several of the records were held under Jessica's name and she is free to request her own records. Although the OVA was eventually able to review the records, the delay of several months caused by Prudence Crandall was unnecessary and delayed the investigative report further.

Update: In August of 2009, the OVA staff met with the CCADV Executive Director, Erika Tindill and the Shelter Program Coordinator, Tonya Johnson, to discuss the pending investigative report. It is important to note that up and until this meeting, CCADV has not conducted an investigation into the services received by Jennifer and her children and have provided minimal cooperation with the OVA's investigation. The OVA is cognizant of the transition of leadership within CCADV during the period of this report; however, as the lead agency in the state providing services to victims of domestic violence it is incumbent upon the acting leadership to consistently answer to the pleas of domestic violence victims, whether the questioned issue arose under the new leadership's watch. It is unacceptable for any agency to simply wipe its hands of issues involving past leadership simply because it did not involve them individually. During the meeting, it was learned that only 25% of the CCADV services involve sheltering victims. Erika Tindill, in her press release dated Feb. 26, 2009, stated, "Those of us who work with domestic violence survivors have long known that shelters play a pivotal role in saving lives of women." However, confronted with the problems in domestic violence victims obtaining shelter through CCADV and its members program, such as Jennifer and her children, Tindill acknowledged the problem but stopped there. When OVA staff asked what was being done to prevent issues in the future, Tindill surprisingly explained that the CCADV staff is aware of the problems in the shelters, but since the shelters are only 25% of what they do, they cannot devote all their time and resources on these issues.

Additionally, when asked about emergency funds for victims like Jennifer and her children, who were denied shelter, and decided, when faced with no alternative, to relocate, Tindill explained a fractured system for emergency funds. She turned to the existence of Travelers Aids and the HOPE Fund which entail a lengthy application process, and which doesn't address the emergency needs often faced by domestic violence victims. Apparently each shelter is tasked with setting aside emergency funds out of their own resources even while the income they receive is depleted before the funds can be set aside. The 52 standards utilized by CCADV to gauge the shelters, delineates a simplistic accounting for emergency funds, but does not state that the shelter maintain a certain amount of funding in its emergency funds accounts. When pressed for a better explanation, Tindill stated there was not enough funding in CCADV or the shelters to properly fund an emergency account. However, in the fall of 2008, CCADV engaged the services of a consultant to conduct a nationwide search for a new Executive Director, to the tune of \$10K. The consultant was later excused, his services were not used and the evaluations not accepted. Additionally, the operating budget for CCADV is over one million dollars.

Tindill explained that the present solution when funds are not available for emergencies or when a victim cannot be placed within a shelter, is for the victim to go to a homeless shelter, which, as we know, is not a safe nor appropriate location for a domestic violence victim(s) or their family. Interestingly, Tindill also stated that the occupancy rates at the Domestic Violence shelter were, in her opinion, low. Furthermore, in the same press released reference above, Tindill claims that all shelter clients were 100% satisfied, but what about the domestic violence victims who were not able to be sheltered and where not lucky enough to come into contact with the OVA to advocate for their shelter needs? At the time of this report, we know of at least three victims, one including Jennifer and her three children, who sought shelter through CCDAV and its contracted programs and were denied shelter and offered no alternative. The OVA is concerned that CCADV doesn't appear to be ensuring problems with the shelters are rectified. Domestic violence victims, like Jennifer and her children, should not have to fight so hard to simply live free of abuse. Most importantly, when the lead agency for domestic violence in the state has been advocating for 3 million to fund statewide shelters 24/7, it seems that those shelters should be monitored and issues regarding the shelters, be addressed swiftly, so that domestic violence victims have access shelters that are viable and safe.

### **Bristol States' Attorneys:**

According to Bristol's Supervisory Assistant State's Attorney Steve Preleski, who has since retired, he first learned of the Magnano matter in May of 2007. According to State's Attorney Preleski, the Plymouth Police called him and wanted to know if they could charge Scott Magnano based on police reports they had received from California regarding the abuse of Jennifer Magnano. According to Plymouth Police Detective Robert Wright, State's Attorney Preleski told Court Inspector Gary Lamothe if Jennifer Magnano and Jessica Rosenbeck wanted to have their complaints investigated that they would have to return to Connecticut from California.

The Bristol State's Attorney's Office did not encounter the Magnano matter again until early August of 2007. According to State's Attorney Steve Preleski, the Plymouth Police Department divided the Magnano matter into two cases: a domestic violence case which was being handled by Officer Sulek and a sexual assault case which was being handled by Officer Wright. The domestic case involved Jennifer Magnano and the sexual assault case involved Jessica Rosenbeck. State's Attorney Preleski claims he reviewed the draft unsigned sexual assault warrant application and affidavit for the Plymouth Police Department. State's Attorney Preleski stated that although his staff rarely reviews unsigned warrants, in the case of Plymouth Police Department and similarly situated smaller police departments, the State's Attorneys would make an exception. The reason for the exception, State's Attorney Preleski explained, was that Plymouth Police Department had only recently designated an Officer to the position of Detective. Approximately two or three years ago, the new Chief designated a Detective position at the Police Department to handle complicated investigations. Prior to this staff change, the Patrol Officer(s) would handle the complicated investigations. According to Preleski, the Plymouth Police Department was not always familiar with more complicated investigations and routinely requested the assistance of the State's Attorney. The Bristol

State's Attorneys' Office further explained that although there was no policy in place requiring the Plymouth Police to meet with the Prosecutor before submitting an arrest warrant application, the Bristol prosecutors had a practice of meeting with the Plymouth Police to review investigations that were more complex.

On August 6<sup>th</sup>, 2007 State's Attorney Preleski requested all the statements and the reports from California regarding Jennifer and her children. According to State's Attorney Preleski, the Plymouth Police brought those documents to him fairly quickly.

On August 10<sup>th</sup>, 2007, Office Sulek signed an arrest warrant application for Scott Magnano, related to the domestic violence involving Jennifer that occurred on April 14<sup>th</sup>, 2007, and requested the charge of Assault in the Third Degree and Disorderly Conduct. The warrant application was over nine pages in length and submitted four months after Officer Sulek's initial complaint by Jennifer Magnano.

On August 13<sup>th</sup>, 2007 State's Attorney Chris Watson refused the warrant application against Scott Magnano for six counts of Forgery in the Third Degree and one count of Illegal use of a Credit Card. The reason provided for the refusal was:

“We do not have jurisdiction over this defendant. The crimes occurred in Torrington. This is not a case of Identity Theft, so the Torrington Police have to do the warrant.”

Although Torrington Police had jurisdiction over the forgery allegations, this is not an accurate account of the law for Illegal use of a Credit Card since both Torrington and Plymouth had jurisdiction over this allegation. Moreover, based upon the allegations presented in the arrest warrant application and affidavit the State's Attorney's Office should have considered charging Scott with Identity Theft since it was alleged that he fraudulently used Jennifer's personal information and arranged for a female to contact the credit card company to add himself as an authorized user. Crimes committed as a result of Identity Theft can be prosecuted in the court where the victim resides. Additionally, the State's Attorney was on notice that Jennifer was afraid of Scott, suffered abuse at the hands of Scott and should have been asking some important questions regarding the safety of the victim instead of working in a vacuum. In 2007 a prosecutor should know enough about domestic violence to ask what the background story is when reviewing reports of financial abuse and also check the status of the other pending cases.

On August 14<sup>th</sup>, 2007, according to State's Attorney Steve Preleski, he met with Officer Mike Luba and Officer Bob Wright regarding the sexual assault case involving Jessica Rosenbeck as a victim. During this meeting, State's Attorney Steve Preleski recalled Officer Mike Luba telling him Officer Sulek had also prepared a nine page arrest warrant for Disorderly Conduct and Assault Third against Scott Magnano for the abuse of Jennifer. Officer Luba asked State's Attorney Preleski if Officer Sulek should shorten the report. State's Attorney Preleski, having not reviewed the report, advised Officer Luba to have the report shortened and contain only information concerning the date of the incident and not the history.

Instead of requesting the warrant application to be shortened, States' Attorney Preleski should have asked to speak with Officer Sulek or, at the very least, reviewed the report prior to advising Officer Sulek to shorten it. State's Attorney Preleski was aware of the facts of the case. He had requested and reviewed the California reports, the restraining order and the sexual assault reports. He also knew that Plymouth Police had a history of needing help to write their reports. He knew or should have known the domestic violence history went back over a number of years and that Jennifer was afraid for her safety. He also should have known that in domestic violence cases the history of abuse is key in determining the severity of abuse and the safety of the victim and children. Thus, by shortening the warrant application without reading it, he deprived the warrant screener from valuable information necessary to properly review the case.

On August 15<sup>th</sup>, 2007 Sgt. Mike Luba advised Officer Sulek to shorten the report, in accordance with the instructions of State's Attorney Preleski.

State's Attorney Preleski explained to the OVA, during an interview that Bristol Courts receive over 2,100 warrant applications per year. He stated that although there used to be four prosecutors in Bristol, for some time now there are only three prosecutors. In addition, State's Attorney Preleski explained that there used to be two Judges in the Bristol Court and now there was one Judge. He further stated that the Judges in the Bristol Courts had requested that the arrest warrant applications be shortened because they were often too long. State's Attorney Preleski himself stated that many of the reports were too long.

On August 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup>, 2007 State's Attorney Steve Preleski went on vacation. He returned on August 20<sup>th</sup>, 2007. State's Attorney Preleski, having reviewed all the statements including the reports from California received on August 6<sup>th</sup>, 2007, and aware that there were several cases involving Scott Magnano, should have either taken control over both the sexual assault and the domestic violence cases or, at the very least, communicated with his other staff persons prior to going on vacation.

On August 17<sup>th</sup>, 2008 Officer Sulek submitted the arrest warrant applications for Scott Magnano on the charges of Assault Third and Disorderly Conduct for the abuse of Jennifer Magnano that occurred on April 14<sup>th</sup>, 2007. The warrant application was three pages long and contained some history. That same day, State's Attorney Ron Dearstyne reviewed and denied the warrant application request. Although the warrant application had been shortened, the final version still included that Jennifer Magnano first reported the physical abuse to Officer Sulek on April 16<sup>th</sup>, 2007. The warrant application included that on April 16<sup>th</sup>, 2007 Jennifer was afraid for her safety and that she returned to the Plymouth Police Department on June 26<sup>th</sup>, 2007 to provide an additional formal statement to the Plymouth Police Department. The reason stated by State's Attorney Ron Dearstyne for denying the domestic violence warrant application was the following:

“She waited over two months to make a formal complaint. Is this a ploy to get an upper hand in a divorce proceeding?”

This language is almost verbatim the self serving language utilized by Scott Magnano in his statement to explain Jennifer's allegations of abuse. The State's Attorney content that in sending the warrant back to the police, State's Attorney Dearstyne was asking a question which invited a response. However, State's Attorney Dearstyne did not provide instructions directed at the police nor did he request additional factual information. Therefore, the OVA believes that State's Attorney Dearstyne was merely asking a rhetorical question. The State's Attorney, when considering the warrant application, had before him not only the facts of what had occurred on April 14<sup>th</sup>, 2007, but the fact that Jennifer had first reported to a Plymouth Police Officer on April 16<sup>th</sup>, 2007, a mere two days after the event and had given an oral account of the abuse by Scott, but was too afraid. Jennifer was erroneously led to believe that she was the one who needed to decide whether to go forward by "pressing charges" against Scott. The State's Attorney should have realized the delay was caused by fear and that Jennifer had fled Connecticut for a time period. Sadly, the State's Attorney, for reasons still unclear to the OVA, simply read Scott's statement and took it as gospel. He disregarded Jennifer's statement completely and neglected to simply pick up the phone and request background information. Had he reached out to the investigating Plymouth Police Officer he would have known that because the arrest warrant application was shortened vital information was not being conveyed to the State's Attorney's Office. State's Attorney Ron Dearstyne, we have since learned, has over twenty years of prosecutorial experience and was a police officer prior to his tenure as a State's Attorney and yet never contacted the police to inquire the reason for delay. State's Attorney Preleski, in an attempt to explain the response by State's Attorney Dearstyne, expressed that State's Attorney Dearstyne was the only prosecutor in the office at the time he reviewed the Magnano domestic violence warrant application. The other two prosecutors (Preleski and Watson) were on vacation. State's Attorney Preleski stated, "I was surprised he had time to review the file at all."

On August 22<sup>nd</sup>, 2007 according to State's Attorney Steve Preleski, he met with Officer Bob Wright and Officer Mike Luba regarding the sexual assault case against Scott Magnano. At this time, he had decided to charge Scott Magnano with two counts of sexual assault and a count of assault for the incident on April 14<sup>th</sup>, 2007 involving Jessica Rosenbeck. After meeting with the Plymouth Police Officers State's Attorney Steve Preleski asked them to submit an arrest warrant charging Sexual Assault which he was prepared to sign.

State's Attorney Preleski worked on the sexual assault case and had the full history of the Magnano family's fight for freedom of abuse. As such, State's Attorney Preleski should have possessed the foresight to have taken control over both the sexual assault and domestic cases, and coordinated the warrant applications. In addition, considering the practice of the Bristol State's Attorneys to review Plymouth Police Departments' warrants prior to submission, Preleski should have realized that the Plymouth Police Department would need guidance on how to handle this type of complicated case. Preleski was aware, at an early juncture, that both matters were going to be complicated and the officers may have required some help. For whatever reason, he did not follow up.

On August 22<sup>nd</sup>, 2007 State's Attorney Steve Preleski decided to charge Scott Magnano with the sexual assault charges and an assault based on all the information he had. However, for whatever reason, Preleski decided that the domestic case did not require as much information to make a well informed decision regarding issuing a warrant. It seems obvious that if State's Attorney Preleski needed to review the entire file on the sexual assault, then so would the screener for the domestic violence case.

For the Bristol Court to have three warrant applications from the Plymouth Police, and have three different State's Attorney's review them, in a vacuum, is simply a poor practice. Although the police equally share the blame in failing to coordinate the three investigations, the State's Attorney's would be well advised to take control over complicated cases, and when aware that one offender has several warrant applications in process, assign it to one State's Attorney for accuracy and proper review.

Update: The OVA staff met with Chief State's Attorney Kevin Kane as well as State's Attorney Scott Murphy of the New Britain Judicial District and Supervisory Assistant State's Attorney Steve Preleski, to discuss the recommendations that were expected to come from this Magnano investigative report. This meeting was at the behest of the State's Attorney's Office, who have been eager to implement the recommendations of the OVA swiftly and expeditiously. The OVA advised the Chief and the State's Attorney of the recommendations from the report and together there was a mutual agreement that most if not all the recommendations either have been implemented or would be implemented as soon as practical. This commitment from both the Chief State's Attorney and State's Attorney Murphy to implement the recommendations early on, was a refreshing reminder that the investigative report process can be a catalysis for change and improvements.

### **Family Courts:**

Scott Magnano went to the family courts on April 27<sup>th</sup>, 2007, and requested custody of the couples' two children, Emily and David Magnano. Although Scott knew that Jennifer had fled from the family residence on April 14<sup>th</sup>, 2007, he nonetheless made arrangements for a Marshal to serve her on May 17, 2007, by leaving copies of the custody proceedings at her usual place of abode, namely the family residence located at 164 Scott Road, Terryville, Connecticut. During the proceedings on June 4<sup>th</sup>, 2007, the court indicated that Jennifer Magnano had been served notice of the hearing. However, after placing Scott under oath, Scott explained to the court that he had not seen Jennifer, nor was he aware of where she was staying. There was no inquiry as to domestic violence or police involvement whatsoever. Scott was aware that Jennifer was no longer at the marital home; he was equally aware that Jennifer was not served with any documents notifying her of the custody motions since she had fled the marital home on April 14<sup>th</sup>, 2007. The court was aware that Jennifer was not in the state based on the statements made by Scott in court. The court could have easily inquired deeper into the service of Jennifer. Had this been done, the court would have learned that Jennifer was not served properly and, therefore, Jennifer would not have been ordered back to

Connecticut based on Scott Magnano's falsehood. On June 4<sup>th</sup>, 2007 the court erroneously granted Scott Magnano sole custody of the children.

The Family Court Judge had an opportunity to question Scott as to why Jennifer had fled the state and to inquire as to the date of Scott's last contact with Jennifer and the children. The court would have been in a better position to be alerted to the volatile situation and perhaps would have been in a better position to identify Scott's feeble attempt to serve Jennifer with the custody pleadings. The Court may have also been alerted that Jennifer and the children were in grave danger. The matter could have been dismissed based upon the lack of service and the State's Attorney's could have been alerted to what may have been determined to be a false statement regarding Scott's statements on the record regarding service of Jennifer.

Once Jennifer Magnano returned, the court could have notified DCF to reach out to the children to investigate the situation. The Magnano children needed an ally. On July 12<sup>th</sup>, 2007 Scott was ordered, via a Pendente Lite Motion (also known as a Common Law Restraining Order) to move out of the marital home and remain 100 yards away from Jennifer. The Order also included that Jennifer was to return to the marital home. Scott Magnano continued to violate this order for over a month by his refusal to leave the marital home. The Order, which was labeled a "Restraining Order", equally caused confusion for Jennifer and her family. The term "restraining order", a term of art, provides a certain expectation on the recipient – which in this case was not true.

On August 20<sup>th</sup>, 2007, Scott was before the court for contempt. In reviewing the transcript, the Court appeared rushed in conducting the contempt hearing. However, Scott was never sanctioned for contempt. He was instead allowed to remain in the home until August 21<sup>st</sup>, 2007. The only remedy available for a violation of a "Common Law Restraining Order" is contempt. However, despite Scott's continuous violation of the order, he was not sanctioned for contempt. It is not clear from the records reviewed by the OVA whether anyone sat down with Jennifer Magnano and discussed the limitations of a common law restraining order. It would have been advisable for either or both the Family Relations Officer and/or a Domestic Violence Advocate to advise Jennifer to the limitations of the Common Law Order and the option of applying for civil restraining order. Furthermore, Jennifer had a restraining order from California; it would have been advisable for the court and/or her attorney to suggest Jennifer obtain a restraining order in Connecticut.

Additionally, the court on August 20<sup>th</sup>, 2007 heard testimony from parties regarding a request from Scott's attorney to modify the Family Court's Order, which directed Scott to leave the marital home. The Guardian ad Litem testified at the end of the day. The guardian's testimony reflects a court in a hurry to complete the testimony by the end of the day and to make a ruling. The guardian several times voiced concerns for the safety of the children and testified to the abuse at the hands of Scott Magnano. The Guardian appeared flustered at the time limitations he faced. The court found Scott in contempt, ordered no sanction and granted Scott's request to remain in the home a few more days. It should be noted that the Court allowed Scott to remain in the family residence until

noon on August 21<sup>st</sup>, 2007, and he murdered Jennifer just two (2) days later on August 23, 2007. The Court advised Scott to obey the order despite his refusal thus far to do so. Scott posed a danger to his wife and children and exhibited to the Court his intentions to ignore the Court's Order. Scott should have been held in contempt for blatantly refusing to obey the order; this would have sent a message to Scott that the Orders would be enforced and violations would not be tolerated.

It is the experience of the OVA that Family Court oftentimes allows individuals several opportunities to not comply with the Court's orders. This practice sends the wrong message to parties involved in the Family Courts. The party who is supposed to benefit from the order ends up feeling disempowered while the party who is the subject of the order feels that the order does not have to be complied with. As an aside, the OVA has received many complaints from victims who feel that their custody or child support orders are not being enforced by the court and the other party is ignoring the court's orders. This practice tends to escalate often volatile situations that could have easily been resolved in court. The first time the court is notified that an order has been violated, the court should send a clear message to the offending party to obey the order in question. It is common knowledge that the Family Court docket is emotional and stressful for all the parties involved. The court has the power and authority to quell possible violence and hostile matters that come before it, by instituting strict enforcement of Family Court Orders, such as custody orders, restraining orders, child support, etc. This is especially true when the court makes a decision to enter into an order based on safety concerns such as those in the Magnano case. By not enforcing violation of the order, the court disempowered Jennifer and allowed for Scott's behavior to escalate.

Unfortunately, due to the Plymouth Police Department's failure to take swift action when Jennifer asked for assistance, there were no charges pending to alert the Family Court to the seriousness of the events that had transpired within the Magnano home. However, Jennifer testified in court to the long history of brutal domestic violence, control and manipulations at the hands of Scott Magnano. Armed with these facts, it is worrisome that the court, as well as the civil attorney, would permit Jennifer to return to the marital home without the benefit of a fully enforceable restraining order.

### **Office of the Chief Medical Examiners**

The report of the Office of the Chief Medical Examiner (OCME) describes that Jennifer was shot twice in the face from the front and shot at least once in the back, left hand shoulder. The report on Scott Magnano, states he died from a self-inflicted gunshot wound to the mouth.

The Office of the Chief Medical Examiner's Report (OCME) states there was "no previous domestic violence reported to the police". This information was inaccurate; Jennifer Magnano made several complaints to the Plymouth Police regarding the abuse she suffered from at the hands of Scott Magnano. The Plymouth Police should have ensured that the OCME was aware of the domestic history so that the reports were accurate.

The OVA has also learned that the Department of Children and Families' (DCF) personnel brought David Magnano, 15, at his insistence, to view his father's body at the Chief Medical Examiner's Office. David was afraid his father was still alive and that he would come after him or his siblings. During an interview with David Magnano, it was learned that in an attempt to prepare David for viewing his father's body, he was told that his father's body would be in a zipped body bag, behind a curtain, when he first saw it. The OCME staff would open the curtain and then unzip the bag so that David would be able to view the body. However, when the curtain was opened, Scott Magnano was not in a zipped body bag, but rather was fully exposed to David. Unfortunately, David had been misled about the manner in which he would view his deceased father. The OCME staff attempted to zip the bag, but clearly the harm was done.

### **Small Independently Owned Gun Stores (Mom and Pop Gun Stores):**

After gathering facts from various law enforcement agencies, it is obvious that Scott Magnano went to Sportsman Outpost gun shop, a small independently owned gun store, located in Wolcott, Connecticut on July 13<sup>th</sup>, 2007 and asked several questions about guns. Scott returned on July 15<sup>th</sup>, 2007 and asked to see three Glock hand guns. In response, the store clerk provided Scott with three hand guns and at least one magazine of ammunition from the glass casing. The Clerk placed these items on the counter for Scott Magnano to examine. The clerk then stepped away from the lobby area, went into the store's office and left Scott Magnano, unsupervised and alone, with the three guns and ammunition. The Clerk did not request Scott's name, a driver's license or any identifying information prior to displaying the handguns. From the facts, Scott Magnano took this opportunity to steal one of the guns and a magazine and leave the store without paying. The gun and magazine were reported stolen three days later on July 18<sup>th</sup>, 2007. It was reported on September 4<sup>th</sup>, 2007, that the stolen gun from the Outpost, was traced back to the gun Scott used to shoot and killed his estranged wife and eventually take his own life.

The key factors here are Scott Magnano had this stolen gun and ammunition for over two weeks before he murdered his estranged wife. Had the store clerk been required to obtain identification of the customer prior to viewing and handling the guns, Scott would likely have been located well within the two week period and this crime would have been averted. Furthermore, had Scott Magnano not been left alone with the guns in the first place, he most likely would not have been able to take possession of the firearm, and, subsequently, murder Jennifer Gauthier Magnano.

In reviewing the safeguard for Small Independent Gun Stores, the OVA was able to determine that although there is a statute that requires firearms dealers to install a burglar alarm system per Conn. Gen. Stat § 29-37d, there is currently no penalty for non-compliance, and, there is no formal process for ensuring and monitoring compliance.

Update: The OVA contacted the Sportsmen Outpost gun shop in August of 2009 for an interview regarding this case and the OVA's report. After consultation with their attorney, the store refused to meet with the OVA. The OVA did learn that the Sportsmen

Outpost gun shop does not have video equipment installed in the store, but are “considering it.”

**Department of Children and Families (DCF):**

DCF became first acquainted with the Magnano family after a Guardian Ad Litem was appointed in the family courts. This first contact was on July 16<sup>th</sup>, 2007.

DCF employees recognized early on that Jennifer and the children were in danger. Several times throughout the lengthy report there were references to the safety concerns for the family. DCF seemed to believe there was some sort of “common law” restraining order in place. However, DCF workers did not verify or substantiate that a statutory restraining order was in place. Had they done so, they would have found that in fact there was no statutory restraining order in place.

Additionally, DCF workers had requested several times that Jennifer seek shelter in a battered women’s shelter for her safety. Jennifer voiced her concerns that the family would be split up. It would have been advisable for the DCF worker to contact the shelter to determine whether Jennifer and her children could be housed. Furthermore, according to the neighbors, the Bishops, Jennifer felt threatened by DCF and scared that DCF was going to take her children. She asked the Bishops to speak with DCF on her behalf. However, during the month that DCF had Jennifer’s case the Bishops were not interviewed.

On August 23<sup>rd</sup>, 2007 Jennifer Magnano was murdered in front of her children. The DCF workers contacted Robert Gauthier and Suzanne (Jennifer’s father and stepmother) at about 6:00 am on the 24<sup>th</sup> of August and informed them they were going to place the children with them. Unfortunately, there was no further communication from DCF with the Gauthier’s until about 7:00 pm that same day, at which time the Gauthier’s were told that the children would be not be placed with them, but rather placed at the Green House, a facility within DCF’s control. The lack of communication from DCF with the Gauthiers, who had learned their daughter was murdered and were waiting nearly twelve hours for the grandchildren to arrive, was a source of unnecessary stress on the Gauthiers and, could, and should, have been avoided.

On the morning of the murder, DCF had the children transported to the Chief Medical Examiner’s Office. David was then allowed to view his father’s dead body. David expressed to the DCF workers his desire to view his father’s body; he wanted to ensure that his father was dead because he was afraid his father might come after his sisters or himself. Although David insisted upon seeing his father’s deceased body, DCF could have accomplished the confirmation of Scott’s death in a less disturbing manner. For instance, DCF workers could have photographed Scott Magnano’s face and brought the photograph to David in a more supportive environment. Additionally, another individual such as the police or a family member could have positively identified Scott Magano’s body and that could have been communicated to David. The ramifications of viewing his father’s dead body were made clear when David testified in front of the Judiciary

Committee on March of 2008. David mentioned viewing his father's body with the bullet hole in his head. He mentioned that he is haunted by having witnessed both of his parents' bodies after they were shot and killed.

DCF should work with the local police and prosecutors in cases involving their clients to ensure the client's cases are being followed up on the legal end. The best defense against domestic violence is a coordinated community response. DCF is in a unique position to learn about domestic violence victims and their children in a manner that allows DCF to follow up with the Police and the prosecutors to advocate for the cases involving the families which are in danger and need to be fast tracked. DCF can also provide additional verification to the police and the State's Attorneys as to the level of violence, danger and verify the status of the Family Court matters or custody. Many states, including our neighbor, Massachusetts, have well-developed relationships with social services and work hand-and-hand daily to ensure our youngest populations are being kept safe.

The Magnano Children were eligible for services through the Office of Victims' Services (OVS). However, it was not until the family became in contact with the OVA, over seven months later that they became aware of the OVS services, such as compensation.

Update: The OVA met with the DCF Commissioner and her legal staff person in mid-August 2009. We reviewed the findings of the report and the suggested recommendations of the OVA as they pertain to DCF. The Commissioner was in agreement that it would be helpful if her workers were trained on OVS services and victim compensation, restraining and protective orders as well as OVA services. The Commissioner agreed that ensuring proper mandated reporting compliance is difficult at best but is willing to look at the issue.

### **Plymouth Police Department –Forgery and Identity Thief Investigation:**

#### Fraud Allegations:

(Investigation by Torrington and Plymouth Police Departments)

On June 27<sup>th</sup> 2007, Jennifer Magnano went to the Torrington Police Department to report that Scott Magnano had fraudulently absconded 83K and then 5K from her when she had fled to California to escape his abuse. Scott had apparently used the money to hire an attorney in California and Connecticut through which he was able to fraudulently obtain custody of the couple's two children. The Torrington Police Department informed Jennifer that she would need to obtain documentation and could then file a complaint in either Torrington or Plymouth.

Jennifer went to Plymouth Police Department the following day and filed a lengthy report, which included the proper documentation. She provided the officers with various documents as well as photographs from the bank of Scott cashing her checks, to substantiate her claims of forgery. The Officer contacted Scott and engaged in numerous exchanges with Scott. In total, the Officer had five separate conversations with Scott. Jennifer returned one more time in mid-July to provide more documents. The warrant

application was not signed until August 13<sup>th</sup>, 2009. The warrant was erroneously denied by the State's Attorney for lack of jurisdiction. A handwritten note authored by State's Attorney Chris Watson was attached informing the Plymouth Police that Torrington had jurisdiction over the crimes, not Plymouth. Three days later, several Torrington Police Officers were present at the Plymouth Police Department to execute an unrelated search warrant. While at the Police Department, Torrington Police Sgt. Bruce Whiteley learned the Magnano Fraud warrant was returned, unsigned, for "lack of jurisdiction". Officer Sulek stated to Sgt. Whiteley that he would provide Jennifer with the Torrington Police Officer's information. On August 22<sup>nd</sup>, 2009 the Torrington Police Department obtained all the documents necessary to apply for the warrant. Sadly, Jennifer was murdered the next day.

There are several issues here. First, in speaking with the Torrington Police Department in August 2009, it is the practice of the States' Attorney to prosecute these types of forgery cases in either jurisdiction – jurisdiction where the item was taken or jurisdiction where the charges were incurred. The Torrington Police explained that if someone were to have taken a credit card from a resident of Torrington and then made charges in several jurisdictions, the victim would have to travel to numerous locations to pursue charges. Therefore, it is the Torrington Police's experiences that in these types of cases, both Torrington and Plymouth have dual jurisdiction over the case. Based on this information, the State's Attorney should not have denied the warrant.

Next, Plymouth Police Department should have followed up with the State's Attorney and clarified why the warrant was returned, since both police departments appear to have jurisdiction. If for some reason the State's Attorney preferred that Torrington Police Department pursue charges, then the Plymouth Police Department should have immediately sent the report over to Torrington Police Department and followed-up on the case with the department. There appears to have been an unnecessary delay in the investigation. It took nearly two months for the investigation to be completed by the Plymouth Police Department even though Jennifer had provided all necessary documentation to support the allegations, including bank surveillance photos, as directed by the police. The Plymouth Police Department seemed to have spent quite a bit of time having numerous exchanges with Scott, despite proof that Scott had fraudulently absconded Jennifer's funds from her credit cards. Once Plymouth Police Department learned of the jurisdictional issues, there was an additional ten day delay in providing the materials to Torrington Police. The delay may or may not have changed the outcome on August 23<sup>rd</sup>, 2007; however, Jennifer and her family suffered and were forced to experience additional unnecessary delay in the Forgery case.

### **Overview of the State Of Connecticut Restraining and Protective Orders:**

Much has been said over the past few months regarding restraining and protective orders. Indeed there are frustrations within the community when a domestic violence or stalking victim obtains a restraining or protective order and yet their abuser is still able to harm the victim.

First, the term “common law restraining order”, as utilized by the Family Court in the Magnano matter, is confusing at best. A better term would have been to call the order, simply an order of the Family Court. The term “restraining order” has become a term of art; the public interprets the term to mean an order, whose violations are enforceable by the police. This is not the case with a “common law restraining order”. This term should not be used in the Family Courts due to the confusing nature of the term and misunderstanding within the criminal Justice community as to the “Common Law Restraining Orders” enforceability.

With regards to statutory restraining and protective orders, it is the belief of the Office of the Victim Advocate that these orders are just one important tool within the realm of crime victim’s resources. We who have been working within the field of domestic violence know there are several types of offenders. The first type, when faced with a restraining order, is able to control their behavior, simply by fear of possible legal ramifications a violation of the order may bring. The next type of offender may not believe the victim will contact the police for a violation, but when the victim does, this offender is likewise capable of refraining from further contact and abuse. Then there is the last category of offenders, who are unmoved by the order at all. This last category is the most troubling for victim service agencies and law enforcement. However, even though this last category is not inclined to restrain his or her conduct to the perimeters of the order, the order is still a valuable tool as long as the victim is assisted with a comprehensive safety plan. The order in the last category allows the police and the courts to respond to violations of the order. It allows employers and educational institutions to assist with additional safety mechanisms. One important tool Connecticut is lacking is a viable danger assessment program to focus early on in domestic violence cases.

The Courts, State’s Attorney’s and Law Enforcement agencies, would be wise to take seriously violations of court orders whether it be by immediate investigation, additional bond, revocation of release until incarceration or jail time. These orders are violated across the state and country, with little or no ramifications. The violation of a restraining order or protective order, even if classified as “technical”, should be seen as an affront to the victim and court. A message should be sent early on to the offender that violations will not be tolerated and there will be serious ramifications for any and all violations. If this practice were to be adhered to across the state, the impact on domestic violence victims would be clear and safety would be increased. The charge of a violation of a restraining order or protective order is unlike any other charge. The charge includes a prerequisite of violence by the defendant or a fear of violence for the protected party and notice to the offender that certain behaviors will not be tolerated. Therefore, the Courts, State’s Attorney’s and Law Enforcement agencies should respond to such violations as a lethal threat regardless of the situation or explanation from the offender. A violation in the most basic terms of a restraining order or protective order is an outward manifestation of an escalation of violence. Violations are a red flag that the protected party’s life is in danger. One violation is simply too many.

We need to continue to evaluate the services and tools available to domestic violence victims – but restraining orders and protective orders, that are fully enforced, are only one weapon in the arsenal for safety of victims. It should not be the victims' responsibility to continually request action in a violation of a protective order or restraining order.

### **Review of Additional Charges:**

In reviewing the various documents there may have been a viable charge against Mary Lou Magnano for accessory in the murder of Jennifer Magnano, in addition to a viable charge of assault and/or risk of injury to a child, for the assault on Emily Magnano.

The following facts were gleaned from several reports of the State Police and the Plymouth Police Departments. Mary Lou Magnano was aware of the abuse at the hands of Scott Magnano upon Jennifer Magnano (Jennifer's statements). There may have been a viable charge against Mary Lou Magnano for accessory before the fact based on her admissions following the death of Jennifer:

- From the information contained in police report, Mary Lou was aware her son, Scott, had made arrangements to hide his vehicle in the Finger's garage while they were on vacation so Jennifer would not know Scott was at the residence. Why would Scott need to hide his car unless he was planning on staying in the residence while Jennifer was at the house as well?
- A baby monitor was discovered in a basket in Mary Lou Magnano's kitchen and was monitoring the conversations upstairs in the living room, by the receiver hidden on the second shelf of the entertainment center. Clearly Mary Lou Magnano would have seen the monitor and Scott listening to it in her apartment.
- Mary Lou Magnano told the police that she had allowed Scott to stay with her, for according to her, he had no place else to go.
- Mary Lou Magnano claims to have made arrangements for Scott to stay with Vinny Lago on the day before the murder. Clearly these arrangements, if they occurred, would have transpired on August 22<sup>nd</sup>, 2007. However, unfortunately Vinny was never interviewed to see if Scott was at Vinny's residence. A recent attempt to make contact by the OVA of Vinny Lago's only known phone number showed it was disconnected.
- Mary Lou Magnano was reportedly following Scott when he came into the living room and attacked Jennifer. He was carrying a gun and she commented that he should not do this now because he had the money.
- Mary Lou Magnano gave the police several inconsistent statements including that she had not spoken to Scott in several days and later, she stated that she made arrangements for Scott to stay the night of the 22<sup>nd</sup> of August with Vinny and that Scott had been staying with her until Jennifer came to stay at the house per court order.

- Mary Lou Magnano was aware that Scott had contacted her brother looking for a gun.

Additionally, Mary Lou Magnano was witnessed on the day of the murder, by a Plymouth Police Officer, hitting Emily for talking negatively about Scott after he killed Emily's mother. She should have been charged with assault and/or risk of injury to a child.

While meeting with the Connecticut State Police, the OVA provided additional information regarding Mary Lou's potential involvement and requested they further investigate Mary Lou's involvement. Although the State Police did follow up with some of the leads, as of the date of this report, no criminal charges have been lodged against Mary Lou Magnano.

### **Response by Schools:**

Several school personnel testified in support of "Jen's Law" in March of 2008. Although the OVA is touched that the school community supported Jennifer's children and embraced them after her death, the question that rings clear is why the school did not respond sooner. Schools have an unparalleled opportunity to witness families and children in a way very few entities can. The schools have access to our children for approximately eight (8) hours a day, five (5) days a week, for about nine (9) months a year for over twelve (12) years. This access provides fertile ground for school personnel to notice, and witness children in their daily lives. For instance, a Ms. Lisa Aiudi testified in favor of "Jen's Law" and stated, "I noticed on many occasions, David stayed after school until 9 – 9:30pm and when questioned he was always waiting for his ride. It seemed odd since most clubs were over by 7 pm." The schools need to take a proactive role in protecting our children and asking those important, and yet often uncomfortable questions.

## RECOMMENDATIONS:

The following highlights specific instances of conduct and how change in policy and/or practice can improve the services provided to domestic violence victims.

### Plymouth Police Department Recommendations:

- **Police Training: Proactive Approach to Domestic Violence**
  - **Police Officer Should Take Statements From Alleged DV Offenders Early and Follow up on Inculpatory Statements:** When the police searched Scott's residence and heard Scott make the unsolicited statement that he would never hurt Jennifer and would move out and get counseling if she wanted, the police should have further inquired of Scott and requested an explanation. They should have locked Scott into a statement at that time.
  - **Police Officers Should Educate Domestic Violence Victims in the Availability of Restraining Orders:** When the Plymouth Police first heard from Jennifer on April 18<sup>th</sup>, 2007, she should have been advised of her right to obtain a restraining order. Jennifer had self reported several threats from Scott saying that he would kill her and her adult daughter.
    - **Family Court Stay Away Order:** When the Plymouth Police learned Jennifer had a Family Court Order (what is often termed a "common law restraining order") ordering Scott to stay away from her and the residence, in addition to telling Jennifer to go to Family Court or call her attorney to see about holding Scott in contempt, the Police should have also taken a moment to advise Jennifer of the availability of a restraining order and the polices' ability to enforce a statutory restraining order verses the limitation of the Family Court Order.
  - **Police Should Actively Seek Arrest Warrants of DV Offenders:** The Plymouth Police Department could have pursued charges against Scott Magnano for making harassing phone calls to Jennifer's friends but declined to do so. This would have been a good course of action, especially when the Police have information that Scott is abusing his wife, that she fled, and he began harassing other individuals. The best case scenario is when the police or state's attorney can pursue charges against a domestic abuser without involving the domestic violence victim. The victim of domestic violence is often too scared to testify, but other witnesses may not be afraid to do so.
- **Timely Investigations:** In DV cases, time is of the essence. A delay could be the difference between life and death, as was the case with Jennifer Magnano. Even charges that are only tangentially related to a DV assault, such as fraud and larceny, can create obstacles that will delay or distract a potentially lethal offender. With regards to the fraud charges, Jennifer first requested the assistance

of the Torrington Police Department and she was told to go to the Plymouth Police Department. She then went into the Plymouth Police Department on June 28<sup>th</sup>, 2007. She gave a full statement. The Officer then waited sixteen (16) days to follow up with Scott. Of those sixteen (16) days the Officer worked on ten (10) days. The Officer then allowed another eleven (11) days to pass while waiting for Scott to give a statement. Scott visited or contacted the police on August 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup>, but the warrant was not signed by the Officer until August 13<sup>th</sup>, 2007. The fraud investigation was unnecessarily delayed.

- **The Police Should Follow up With the State's Attorney and Other Police Departments:** When a case is refused the police should follow up with the State's Attorneys. Additionally, in cases like the Fraud case, the case was refused on August 13<sup>th</sup>, 2007 by the State's Attorney for an alleged lack of jurisdiction. The Officer in Plymouth knew Jennifer had gone to Torrington first and was referred to Plymouth erroneously. The Officer shouldn't have waited over three weeks to investigate this fraud and identity theft. Furthermore, when the Officer learned of the jurisdictional issue, he should have immediately asked the Torrington Police to make this case a priority.
- **Safety Precautions/Protocols for Domestic Violence Victims:**
  - **Securing a Residence:** On August 22<sup>nd</sup>, 2007, at approximately 4:00 pm, Jennifer Magnano asked the Plymouth Police to check the residence located at 164 Scott Road, Terryville, CT. This was the first day Jennifer was to be back in the residence and wanted to ensure that Scott had left the house. The police officers arrived and checked the residence. The Officers were unable to check the basement apartment because Mary Lou, Scott's mother, refused the Officers access. In addition, an office located in the residence was also not checked because it was locked. Jennifer explained she was afraid Scott was hiding in the apartment and that Scott had been ordered out of the house by the court. The Officer told Jennifer that she should go back to court and tell the court she was afraid that Scott's mother was hiding Scott in the home and maybe the court would have the mother removed as well. The police checked the remaining areas of the house and left.
  - **Assist in Family Court Orders:** On both August 22<sup>nd</sup> and August 23<sup>rd</sup>, 2007, when the police went to the Magnano residence, Jennifer expressed fear for her safety. She requested the help of the police to secure her residence. Instead of recommending Jennifer return to court to have the mother in law removed from the residence, the Officer should have recommended Jennifer obtain a restraining order. In addition the Officer should have obtained a search warrant and performed a search of the entire residential building to safeguard Jennifer from being confronted by Scott. Jennifer had a common law restraining order (a court order from the Family Court) forbidding Scott from being in the marital residence and ordering him not to be within 100 yards of Jennifer. This restraining order differs from the more commonly used statutory restraining order. The primary difference is that its only remedy is for a contempt of court. However, the order provided the same notice to the police that the

situation could become volatile. It is common knowledge that domestic violence calls pose the greatest threat to victims and police officers because of the potential for violence. Here the Plymouth Police Department had a basis to enter the residence under exigent circumstances; however, the better practice would have been to station a police officer outside the door of the basement apartment and the outside exit of the apartment, and obtain a search warrant for the residence of Mary Lou Magnano. Once inside, the Officers could have searched and secured the residence. The police should never have left Jennifer and her children alone in the residence without checking the basement apartment.

- **Enforcement of Mandatory Arrest or Follow up on an Investigation in Domestic Violence Cases:**
  - **Officers Shall Arrest or Apply for Arrest Warrant in Domestic Violence Cases; It is Not the Victim's Decision to Charge:** Pursuant to Plymouth Police Policy #87-16B as well as C.G.S. § 46b-38b, an officer should seek a summons arrest when there is probable cause to believe a crime has been committed in domestic violence matters. On April 18<sup>th</sup>, 2007, Officer Sulek first learned of the abuse suffered by Jennifer and the children, after a long interview with Jennifer. Armed with this information the Officer neglected to apply for a warrant. He also neglected to advise Jennifer to seek a restraining order. He in fact gave Jennifer the impression that she was the one to decide whether to seek charges. This, as we know, is not an accurate reflection of the law. This Officer had an opportunity to file a warrant for Scott's arrest early on and either neglected or chose not to do so. Jennifer, now misinformed of the state of the law regarding domestic violence, was left to fend for herself.
  - **Warrant Applications can be Applied for when there is Probable Cause:** Jennifer contacted the police once she relocated to California. She participated in an investigation with the California police detectives. She wanted to pursue charges against Scott based on the information she provided to the California police coupled with her interview with Officer Sulek. The Plymouth Police Department, uninformed as to their authority to charge based on the information provided by Jennifer from California, asked for guidance from the State's Attorney. Unfortunately, the State's Attorney, apparently equally uninformed, informed the police that they could not go forward based on the information provided from the California police. It is not clear whether the State's Attorney was informed that Jennifer had personally spoken to the Plymouth Police Department earlier in April. Had the State's Attorney been aware of this, perhaps they would have had a different opinion. Nonetheless, erroneously Jennifer was told she would have to return Connecticut to pursue charges.
- **Restraining Order:** With regards to July 18<sup>th</sup>, 2007, once the police learned Jennifer Magnano and her family had fled the state to stay at a battered women's shelter, the Officer should have inquired if the family had a restraining order. When the Officer learned they did not, he/she

should have recommended the family obtain a restraining order for their protection. In addition, Scott Magnano should have been charged with the crimes related to the fraudulent credit card and bank activities. He would have then have been entered into the system and perhaps the court would have ordered a protective order.

- On June 2<sup>nd</sup>, 2007 the Los Angeles Department of Children and Families sent a fax to the Plymouth Police Department outlining the abuse suffered by Jennifer and the children, indicating there was a restraining order and identifying two Plymouth Police Officers by name and badge number that were aware of the situation. When Jennifer and Jessica returned to Connecticut and went to the Police Department to follow up and provide statements, one of these two officers should have reached out to the family, to ensure they were safe and should have recommended that they obtain a Connecticut restraining order.
- **Follow up on Denied Warrant Applications:** When the State's Attorney rejected the domestic violence warrant application, the Plymouth Police should have followed up. Clearly the shortening of the report caused some miscommunication in the review of the charges.
- **Mandatory Reporting to DCF:**
  - Despite all the interactions between Jennifer and her children in April 2007, June 2007 and August 2007, the Plymouth Police Department and State's Attorney never reported the domestic violence to DCF. All law enforcement personnel are mandated reporters and are required to report allegations of child abuse.
  - All Plymouth Police Officers should receive an updated training focused on their responsibilities as mandated reporters.
- **Domestic Violence Training:** All Plymouth Police Officers should receive additional training for domestic violence cases and arrest procedures.
- **Coordinated Community Response:** The Police, States' Attorneys and DCF should all work together to address the needs of domestic violence victim. The best defense against domestic violence is a coordinated community response.

#### **State's Attorney's Office and Bristol Court Recommendations:**

- **Mandatory training of all State's Attorney's regarding domestic violence.** What stands out in this investigation is State's Attorney Dearstyne's denial of the domestic violence warrant application and his apparent adoption, whole clothe, of Scott Magnano's versions of facts without any consideration of Jennifer's allegations or query into the facts of the complaint which could have been accomplished by a phone call to the investigating Officer at Plymouth Police Department. The denial of the arrest warrant and its reasoning stated by State's Attorney Dearstyne is alarming at best and indicate a serious concern as to screening of DV cases, especially when there is no DV Specialized State's Attorney as in the cases of DV Docketed Courts.

- **Overhaul of Bristol Court:** A review of the case management and staffing of Bristol Court to determine if additional resources are needed to adequately staff the Bristol Courts. Through State's Attorney Preleski's statements and the information the OVA has reviewed, it appears that the Bristol Courts are under staffed. Furthermore, the case screening and management need an overhaul, perhaps with a set of fresh eyes. An outside source should be considered for making this assessment to avoid skewed findings.
- **Removal of Requirement that DV Victims Must Sign a Sworn Statement:** The States' Attorney's Offices must do away with the requirement that a domestic violence victim must sign a sworn statement prior to application of an arrest warrant. This practice is outdated and does not comport with public policy regarding domestic violence prosecution. Often a domestic violence victim will have a myriad of reasons that keep them from signing a sworn statement. She or he may be afraid to align themselves with the police or state's attorney and/or afraid to ask for assistance from the authorities because the victim fears an escalation in violence will result. There are numerous mechanisms to ensure the credibility of a victim's statement or claims short of requiring sworn statements of the victim.
- **Funding for a Full Time Trainer:** At the very least one full-time Training Officer for the State's Attorney's Office to train the State's Attorneys and keep them abreast of new laws, education, and trends throughout the country.
- **Tracking System for DV Warrant Applications:** A system to fast track domestic violence warrant applications when they are submitted to the State's Attorney's Office for review. DV cases are volatile in nature and have the potential to be lethal. A 24 hour turn around process should be in place to ensure the swift response to domestic violence. This 24 hours response has been implemented in Bristol Court and can act as a model for other jurisdictions.
- **Communication within the State's Attorney's Offices:** A system for the State's Attorneys to communicate about cases they have knowledge on if they are out of the office, on vacation or out sick. State's Attorney Preleski had vital information about the Magnano case; unfortunately he was not in the office when the DV warrant came through and so the information he had was lost.
- **Streamline the Domestic Violence Dockets.** Currently throughout the state, there are several specialized courts that deal with only domestic violence cases. However, these courts vary as to what cases they accept, what the processes are and so forth. It would be advantageous to coordinate these courts so that each Domestic Violence Docket have the same priority and work in a similar manner because all domestic violence victims need equal attention.
- **Working Group on Domestic Violence:** The OVA recommends the forming of a working group comprised of the Judicial Branch, Police

Chiefs' Assoc. and the Division of Criminal Justice to address the statewide consistency of arrest warrant applications and the information that is submitted with the arrest warrant application and to develop statewide standards for the submission of arrest warrant applications.

- **Procedure for Denial of Domestic Violence Cases:**
  - When a prosecutor is inclined to deny a domestic violence arrest warrant the prosecutor should direct the investigator within the state's attorney's office to obtain additional information, if available, which may include but not be limited to, a query of the Judicial Branch Civil docket information, law enforcement follow up, etc.
  - Before returning a denied domestic violence arrest warrant application to the police department, recommend that the supervising state's attorney first review the denied warrant.
- **Specialized DV Programs:** The OVA recommends the State's Attorneys along with the assistance of the OVA look into forming aggressive programs to stop dangerous DV offenders from committing future crimes through grant opportunities and specialized units.
- **Coordinated Community Response:** The Police, States' Attorneys and DCF should all work together to address the needs of domestic violence victim. The best defense against domestic violence is a coordinated community response.

#### **CCADV and Prudence Crandall Recommendations:**

- **A system in place to ensure compliance with the various shelter and agency policies.** The Executive Director of CCADV must have a system of checks and balances to ensure the contracted programs are in compliance with the various shelter and agency policies. Since the start of this investigation the OVA has had two complaints of domestic violence victims being refused shelter without being provided an alternative shelter. The OVA advocated for the victims and, in the end, the victims were provided shelter in an appropriate location. The situation faced by Jennifer and her children does not appear to be an anomaly. There needs to be a process whereby CCADV is able to verify that the policies adopted by the agency itself and its contractual agencies are followed. The services provided to domestic violence victims and their children is often "life or death." That cannot be overlooked.
- **Changes to the 52 Standards for the Contracted Programs and Shelters.** CCADV has 52 Standards that are to be adhered to by the contracted programs and shelters. The OVA is recommending several changes which include:
  - Standard # 24: Add the OVA and the services available to crime victims; explain how the OVA can assist staff with problems that may arise in their work with DV victims.
  - Standard #27: Add the OVA as an agency who is allowed to review confidential documents, when the program client or the estate attorney for the deceased client has provided a waiver so that the OVA may review the

client's records and shelter/program reports to ensure the Domestic Violence victims' rights have been protected.

- Standard # 42 : Add the OVA and its services to crime victims and services to staff.
- Standard #49: Add the OVA and OVS.
- Additional Standard: # 53 The Program or Shelter shall reach out to neighboring states and their DV programs in Court and Non-Profits to foster working relations with those programs.
- **Danger Assessment:** The Family Court, Criminal Court, Chief State's Attorney, CCADV and Office of the Victim Advocate, shall devise a danger assessment to be completed by the Family Relations Officer or the Domestic violence advocate.
  - The Family Relations Officer in the Family Court, and the Domestic Violence Advocate in the Criminal Court, shall, upon first meeting with the domestic violence victim, complete a danger assessment and communicate its findings to the court.
- **Adoption of a Policy for shelter of Male Victims or Teenage Male Family Members:** A provision for and subsequent implementation of said provision for males seeking shelter– there should be a referral to an appropriate shelter or motel/hotel when a family has a teenage male in their family, or the abused victim is a male.
- **Referral System for Victims Seeking Shelter When Shelter is Denied.** A provision for and subsequent implementation of said provision when the victim seeks shelter and safety concerns are identified, such as when a shelter is too close to the family home and/or lack of space– a referral to an appropriate shelter must be made. Although CCADV states that such referral system is in place, the experience of OVA is that the referral system is not being implemented.
- **Legal Options for Victims:** A provision to educate the program clients regarding restraining orders and protective orders and other options available from the legal system.
  - Prudence Crandall did not, as far as the records go, advise Jennifer to obtain a restraining order.
- **Program Client's access to their records:** A provision for confidentiality- A "client" can request their own records. The confidentiality clause is geared towards preventing offenders from seeking information from the programs regarding victims; the client should be allowed to access their records.
  - In obtaining the records from Prudence Crandall, the OVA encountered difficulties obtaining the records. However, since Jessica, David and Emily were clients of the program, they should have been allowed to access their own records from Prudence Crandall; the OVA made several attempts through waivers from Jennifer's estate and the children to obtain the records with little or no success.
- **FUNDS for Relocation:** An emergency account created by CCADV to be available to the contracted programs for situations where the victim and/or their family are seeking to relocate or need funds for a motel/hotel. Jennifer Magnano was told that funds would not be available for two weeks. Jennifer and her family were not granted in-state shelter and could not afford to wait two weeks for funds

- to relocate to a state that could house her and her children. She had to scrap together funds from family and selected friends. We were told that each program is to create its own emergency fund account; however, we are also told that most of the programs are without funds within the first two months of the fiscal years.
- **Protocol to notify Police when an abuser comes to the shelter or program looking for victim.** When a domestic violence victim's offender presents himself or herself at an agency shelter or CCADV office, the police should be notified immediately to investigate. An abuser who is actively looking for the victim poses an immediate threat to the victim and the police should be notified. At the very least Scott's behavior should have warranted a breach of peace charge and placed him on the radar of the criminal courts.
  - **Communication for Staff Change Over at Shelters:** A policy and follow through for each shelter to communicate regarding victims in need of assistance when staff shift changes occur. Jennifer reported through her daughter that she spoke with several staff persons, and was told to wait for a return call. When no call came, she would call back and have to tell her story again because of staff shift changes. The initial outreach a victim encounters sets the tone for crime victims as to whether they will continue to seek assistance. Faith in victim services is bolstered when the victim experiences appropriate assistance. This did not occur with Jennifer.
  - **Follow through with Promises to Legislature and Community:** When an agency holds themselves out as the leader in Domestic Violence Advocacy and promises to investigate services, that agency should follow through with its promises. Accountability is never overrated.
  - **Publication of CCADV and Contract Program Services:** To ensure that the services of domestic violence advocates are well publicized in Family/Civil Courts as well as the availability of advocates.

### DCF Recommendations:

- **Safety Planning with Domestic Violence Victims:** The DCF worker, who first became acquainted with Jennifer, should have gone over a safety plan with her and her children. It does not appear from the policies and procedures that there is a safety plan phase when dealing with domestic violence cases; clearly a safety plan should be incorporated into the DCF policies and procedures regarding domestic violence.
- **Joint Police for DCF and OCME For Minors Who are Viewing Deceased Family Members:** The OVA recommends, in cooperation with DCF, the OCME should devise a protocol on how to handle situations involving minors viewing family member's bodies. The protocol should include support persons such as counselors and procedural safe guards for this event, including a possible delay in viewing to avoid any additional trauma to the viewing party(s). Furthermore, DCF and the OCME staff should take all measures to ensure that the viewing process is performed as it was explained to the viewing party to help safeguard the viewer from unnecessary harm. David Magnano was afraid and wanted assurances that his father would not

come after him and his siblings. This could have been easily accomplished through a less disturbing manner than allowing a child to witness his father after a self-inflicted gunshot wound. There should be a support plan for children who do witness traumatic loss.

- **Communications with Family of Deceased Victims Regarding Placement of Children:** There should be a system in place to communicate with family members of children who have been through a traumatic event (such as a murder of a parent) so that the remaining family is aware of the status of the children and are kept abreast of their location and the plan. This would prevent further re-victimization of the remaining family members.
- **Tracking System for Mandatory Reporters and inquiry when there has been a Failure to Report:** DCF should have followed up with the Plymouth Police Department regarding (1) the status of the criminal cases against Scott Magnano, and (2) why the Plymouth Police had not referred Jennifer's case to DCF as they were mandated. This case involves many agencies and DCF should become proactive when they learn of a failure to report. The police should have reported the abuse back in April of 2007 and DCF should be following up as to why cases are not being properly referred to DCF by the police.
- **Training of DCF Staff and Social Workers Involving the Differences in Restraining Orders, Protective Orders and Common Law Orders By the OVA:** DCF workers should be trained as to the differences between a common law restraining order, a statutory restraining order and a protective order. There are several types of orders and often the orders can be confusing. It is apparent that there was confusion from reviewing DCF documents with regards to what type of order Jennifer had; the DCF worker could have been able to recommend a statutory restraining order to more appropriately protect the family.
- **Training for Mandated Reporters:** It is recommended that DCF develop a system to train and monitor individuals and agencies who are not upholding their responsibilities as mandated reporters. Currently, there is no system to determine who is a mandated reporter and who has received training. Additionally, there should be a system in place for when the DCF worker learns that a family has not been properly reported to follow up with that person or agency to determine what the reason for the failure to report was and how to remedy that failure.
- **DCF workers and Staff training for Children involved in Severe Trauma:** At times within the DCF reports, there are comments regarding Jessica Rosenbeck's advocacy for the minor Magnano children and about David's emotional well being. These comments seem to disregard the events the children experienced and their history which can only be described as a hostage like situation. There should be training and education for individuals working with this type of family that are aware of the repercussions of trauma and the impact of this type of abuse, so that we can all better help these children.

- **Protocol for Domestic Violence Referrals:** DCF should devise a policy for investigating domestic violence and the protocol for these investigations.
- **Proper Communication with the Courts:** During the investigation it appears that both the DCF worker and the children's attorney were not being adequately informed of the probate matter. When this occurs, the DCF employees should seek assistance from the agencies who can offer help, including the OVA.
- **Training of DCF Workers on Victims Services:** DCF, as the guardian of the children, David and Emily, could have filed a claim for compensation on behalf of the children through the Office of Victim Services so that they would have the services and support available to them.
- **Coordinated Community Response:** The Police, States' Attorneys and DCF should all work together to address the needs of domestic violence victims. The best defense against domestic violence is a coordinated community response. DCF is in a unique position to learn about domestic violence victims and their children in a manner that allows DCF to follow up with the Police and the prosecutors to advocate for the cases involving the families which are in danger and need to be fast tracked. DCF can also provide additional verification to the police and the State's Attorneys as to the level of violence, danger to the children and also substantiates custody issues and Family Court matters.

#### **Small Independently Owned Gun Stores Recommendations:**

This case represents some serious concerns for gun safety in the State of Connecticut with regards to small independent gun stores. As in the case of a jewelry store, a customer handling a gun should not be left alone with the gun. There are certain minimal safety precautions the OVA would recommend in order to better protect the citizens of Connecticut with regards to small independently owned gun stores within the state.

- **Mandatory Burglar System:** A burglar system. (this is currently required, but there is no mechanism to ensure these small guns shops are complying with this requirement)
- **Requirement of State Identification Prior to Handling of Gun:** Require a valid license prior to allowing a customer to review and handle a gun(s) and photocopy the license.
- **Limit Number of Guns Being Viewed at One Time; do not show guns with ammunition, and require a Clerk to be Present:** Only allow one gun to be viewed at a time, separately from the ammunition and in the presence of a Clerk; never leave the customer with the gun unsupervised.
- **Penalty for Non-Compliance of Gen. Stat § 29 -37d:** Revise Conn. Gen. Stat § 29 -37d, to include a penalty of \$10K per day for violation as well as a formal system for monitoring compliance.

The recommendations made by the OVA are minimal and yet would yield a major chilling effect on gun crime in the state.

The OVA may consider the need for a legislative change to implement these recommendations for responsible gun ownership in the near future.

### **Family Court Recommendations:**

- This case, as it was presented to the Family Court through testimony, was a case of serious domestic violence, with clear escalation and a serious viable threat to the Magnano family members. Even David, at 15 years of age, begged the court not to place him with his father and for protection from his father. Jennifer's civil attorney and GAL both expressed to the court that this case was one of the worse cases of abuse they had seen in their careers regarding domestic violence. It is unclear from the records why this family's cries fell upon deaf ears. The court should have been on notice to the danger present in this case and connected the family with a Domestic Violence Advocate or Family Relations Officer, and, instead of a common law order, provided a restraining order with the enforcement needed. The court should not recommend, nor encourage, domestic violence victims to return home, especially if it is clear the abuser is not willing to leave the marital home and especially without an enforceable restraining order.
- **Danger Assessment:** The Family Court, Criminal Court, Chief State's Attorney, CCADV and Office of the Victim Advocate, shall devise a danger assessment to be completed by the Family Relations Officer or the Domestic violence advocate.
  - The Family Relations Officer in the Civil session, and the Domestic Violence Advocate in the criminal session, shall, upon first meeting with the domestic violence victim, complete a danger assessment and communicate its findings to the court.
- **Family Court to Take an Affirmative Step in Screening Family Matters for DV:** Scott Magnano, in his statement to the court for custody of his two children, on April 30<sup>th</sup>, 2007, stated that he has not seen his children or wife since April 14<sup>th</sup>, 2007. He also wrote that the Plymouth Police are aware of Jennifer's location. Based on this statement two things should have occurred, but did not. First, the family relations officer could have reached out to the Plymouth Police and determined the status of Jennifer Magnano and the children. If this had occurred the court would have been aware that Jennifer fled for safety reasons. Second, based on this statement it is clear Jennifer was NOT residing at the family residence so her service of court documents to that location was improper. By Scott's statement alone the court should have been alerted that this was a more complicated matter and should have taken several steps, as indicated above, to ensure the safety of the children and Jennifer.
- **Criminal Charges for False Statements In Family Court:** This case depicts yet another example of how falsification of sworn statements can further victimize domestic violence victims. Here Scott Magnano alleged, falsely, that the children had lived in the state for the past six months and

that no other state had an interest in the case. This simply was not true. Furthermore, Scott falsely represented to the Court that he had served Jennifer at her last known residence, which he also knew not to be true. It is the recommendation of the OVA that when a person intentionally falsifies documents, specifically as in cases of domestic violence, that that person should be held accountable for their actions. This can be accomplished by the civil court alerting the States Attorney's Office to the allegations of falsification of the documents. The State's Attorney, in response, should take the actions of falsifying documents such as, custody documents, seriously and have the individual charged. Too often batterers utilize the civil court to re-victimize the victim when the abuser no longer has physical access to the victim. The OVA has, on numerous occasions, learned of domestic violence victims who have reported that their offender, once he or she is removed from the household, will go after the children through Family Court. This is also often a promised threat from the abuser. By charging these individuals for false statements, the court is alerted to the seriousness of the situation and may serve as a deterrent in the future from abusers from conducting themselves in this manner.

- **Allocation of Additional Time in Family Court:** In the event a hearing is being elongated, the court should continue the matter for the following day, instead of rushing the witnesses to complete their testimony.
- **Better Use of Domestic Violence Advocates in The Family Court:** In cases where there is numerous allegations of domestic violence, such as in this case, the court should request a domestic violence advocate, if available, or a court-based advocate to speak with the victim and also determine whether a restraining order or protective order is in place. If no such order is in place, the party should at the minimum be advised of the availability of such safety measures as well as safety planning.
- **Strict Enforcement of Common Law Restraining Orders:** The court, in ordering a Pendente Lite Motion restraining Scott Magnano from being within 100 yards of Jennifer and ordering Scott out of the marital home, should have, upon learning Scott was refusing to leave the home, held Scott in contempt, and suggested that Jennifer Magnano obtain a restraining order if the court was not going to penalize Scott for his blatant disregard of the court's orders and should have been a red flag to the court of Scott's defiance.
- **Inclusion of Common Law Restraining Orders In the Protective Order Registry:** The Judicial Branch should also enter all no contact and stay away order regardless of the issue and authority into the protection order registry so as to arm the police with the knowledge of such orders and ability to enforce such order as well as to advise, when appropriate, a victim as to when it may be necessary to obtain a restraining order or protective order. (This information is currently published in the Judicial Branches' Protection Order Registry, Law Enforcement Reference Guide. Therefore, an inference is made by law enforcement personnel that all no

contact and stay away orders are included in the registry when they are not.)

- **Working Group on Domestic Violence:** The OVA recommends the forming of a working group comprised of Judicial, Police Chiefs' Association, and the Division of Criminal Justice to address the statewide consistency of arrest warrant applications and the information that is submitted with the arrest warrant application and to develop statewide standards for the submission of arrest warrant applications.

#### **Chief Medical Examiner's Office Recommendations:**

- **Protocol for Minors Viewing Deceased Family Members:** The OVA recommends, in cooperation with DCF, the OCME should devise a protocol on how to handle situations involving minors viewing family member's bodies. The protocol should include support persons such as counselors and procedural safe guards for this event, including a possible delay in viewing to avoid any additional trauma to the viewing party(s). Furthermore, DCF and the OCME staff should take all measures to ensure that the viewing process is performed as it was explained to the viewing party to help safeguard the viewer from unnecessary harm.

#### **Legislative Recommendations:**

- **Creation of a Statutory Domestic Violence Fatality Review Board:** First and foremost, a statutory Domestic Violence Fatality Review Board whose members include: The Chief Administrative Judge for Family Matters, the Chief Administrative Judge for Criminal Matters, State Victim Advocate, Chief State's Attorney, State Police Representative, Municipal Police Representative, Legislative Representative, Executive Director of CCADV, Legal Services Representative, CT Bar Association- Family Court Representative, DCF Domestic Violence Specialist, Executive Director of Court Support Services Division- Judicial Branch, a Shelter Worker, DOC Commissioner or his or her designee, and, most importantly a survivor of domestic violence. The mission of the board shall be to assess the trends in domestic violence related deaths, propose legislative initiatives when appropriate, assess services to DV victims, and identify systemic failures in domestic violence fatalities across the state. The board should have the power to request documents, subpoena power if necessary, to fully and quickly assess domestic violence related deaths.
- **Restraining Orders and Protective Orders:** The state of Connecticut should have a mechanism for domestic violence victims to obtain an emergency restraining order. The OVA will consider proposing legislation in the near future for domestic violence victims to obtain emergency restraining orders.