

2016

OFFICE OF THE VICTIM ADVOCATE ANNUAL REPORT FISCAL YEAR 2016



ENFORCING, PROTECTING & PROMOTING
THE CONSTITUTIONAL & STATUTORY
RIGHTS OF CRIME VICTIMS
IN CONNECTICUT

Submitted, as statutorily mandated, on this 1st day of September, to the Governor of the State of Connecticut, and to the members of the Connecticut General Assembly.



Constitution of the State of Connecticut

Article XXIX

Rights of Victims of Crime

In all criminal prosecutions, a victim, as the General Assembly may define by law, shall have the following rights:

- The right to be treated with fairness and respect throughout the criminal justice process;
- The right to timely disposition of the case following arrest of the accused, provided no right of the accused is abridged;
- The right to be reasonably protected from the accused throughout the criminal justice process;
- The right to notification of court proceedings;
- The right to attend the trial and all other court proceedings the accused has the right to attend, unless such person is to testify and the court determines that such person's testimony would be materially affected if such person hears other testimony;
- The right to communicate with the prosecution;
- The right to object to or support any plea agreement entered into by the accused and the prosecution and to make a statement to the court prior to the acceptance by the court of the plea of guilty or nolo contendere by the accused;
- The right to make a statement to the court at sentencing;
- The right to restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law;
- The right to information about the arrest, conviction, sentence, imprisonment and release of the accused.

The General Assembly shall provide by law for the enforcement of this subsection. Nothing in this subsection or in any law enacted pursuant to this subsection shall be construed as creating a basis for vacating a conviction or ground for appellate relief in any criminal case.

Mission Statement

The Office of the Victim Advocate (OVA) seeks to ensure that the victims of crime become an integral part of the criminal justice system. Through public education of the rights and services available to crime victims, collaboration with law enforcement and service providers, as well as court and legislative advocacy, the OVA believes that the voices of crime victims will become a necessary component of our state.

Overview

The Office of the Victim Advocate (OVA) was statutorily established in 1998 as an independent state agency charged with the promotion and protection of the constitutional and statutory rights of crime victims in Connecticut. Among its many responsibilities, the OVA provides oversight of state and private agencies that provide services to crime victims, and advocacy to crime victims when a violation of their state constitutional and statutory rights are at issue.

In order to fulfill the mandates of the OVA, the State Victim Advocate may:

- Evaluate the delivery of services by state agencies and entities that provide services to victims;
- Coordinate and cooperate with other private and public agencies concerned with the implementation, monitoring and enforcement of the constitutional rights of victims;
- Review procedures established by any state agency or other entity providing services to victims with respect to the constitutional rights of victims;
- Receive and review complaints of persons concerning the actions of any state agency or other entity providing services to crime victims;
- Initiate formal investigations into the circumstances of a complaint so as to remedy the concern in a systemic manner.
- File a limited special appearance in any court proceeding to advocate for any right guaranteed to a crime victim by the State Constitution or any other right provided to a crime victim by general statutes;
- Recommend systemic changes in state policies to ensure the proper treatment and protection of crime victims;
- Conduct programs of public education, undertake legislative advocacy, and make proposals for systemic reform;
- Monitor the provision of protective services to witnesses by the Chief State's Attorney; and
- Ensure a centralized location for victim services information.

The OVA currently operates under the following statute when determining who is a "victim of crime" or "crime victim:"

C.G.S. Sec. 1-1k: *Except as otherwise provided by the general statutes, "victim of crime" or "crime victim" means an individual who suffers direct or threatened physical, emotional or financial harm as a result of a crime and includes immediate family members of a minor, incompetent individual or homicide victim and a person designated by a homicide victim in accordance with section 1-56r.*

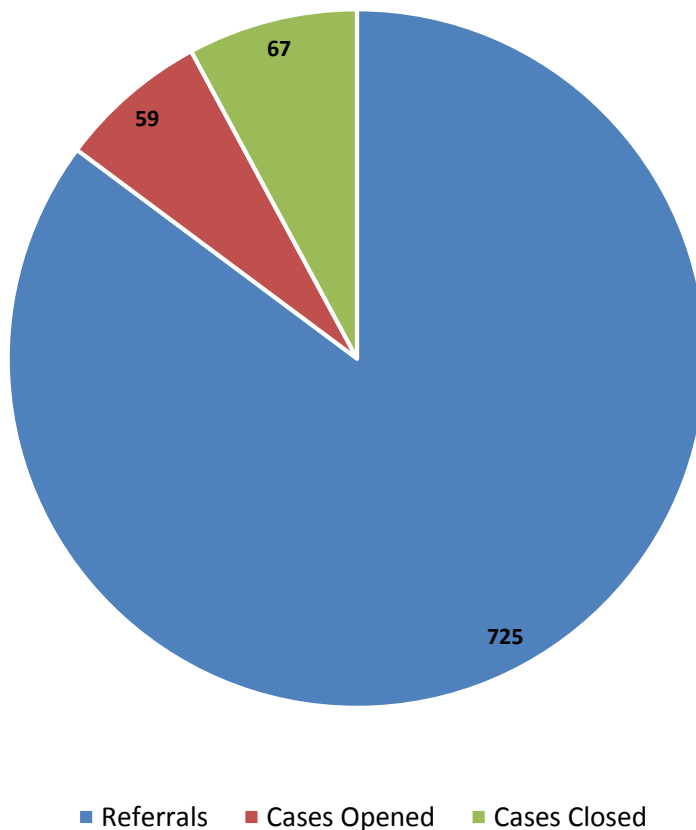
OVA Fiscal Year Review

During the 2016 fiscal year (July 2015-June 2016), the OVA operated as a functional state agency committed to effectively and efficiently carrying out its statutory mandates.

COMPLAINT/INTAKE ACTIVITY ►

The OVA's statutory mandates include receiving complaints or requests for information and assistance from crime victims, agencies and entities on behalf of crime victims. The OVA received 851 calls and opened 79 new cases, resulting in 122 open cases at the end of the fiscal year.

Chart 1: FY 2016
Total calls received (851)



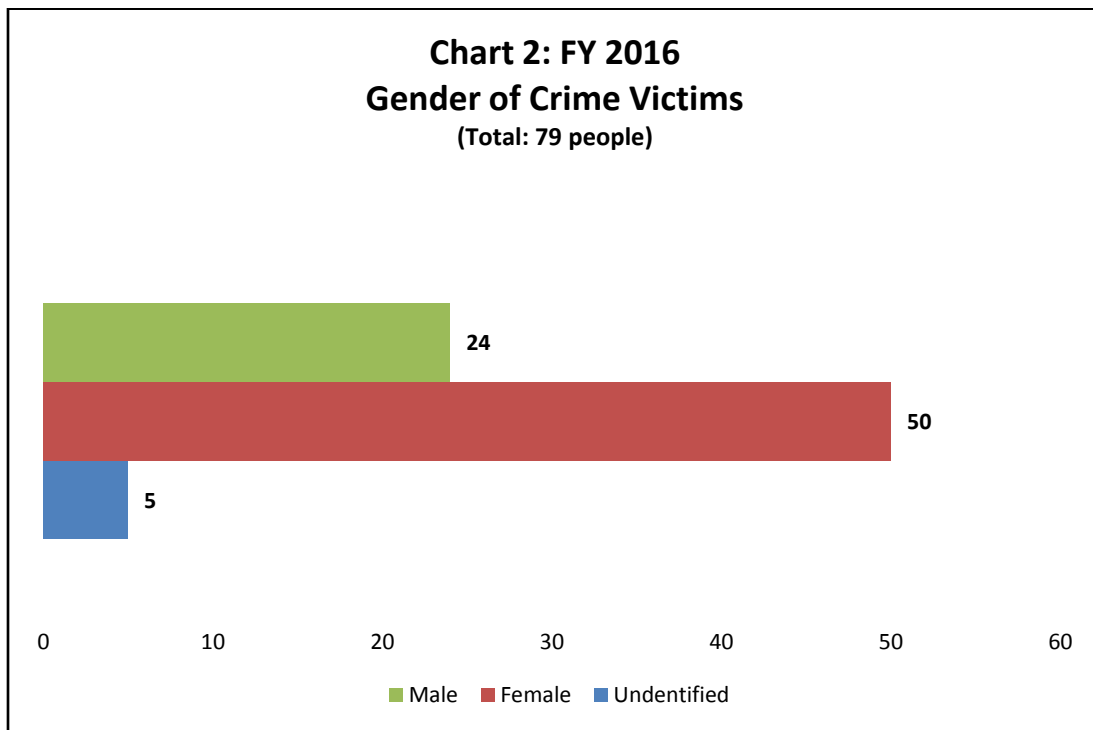
Referrals to another agency or service provider after discussion of case specifics. No demographic information is obtained from these calls.

Cases Opened during the fiscal year.

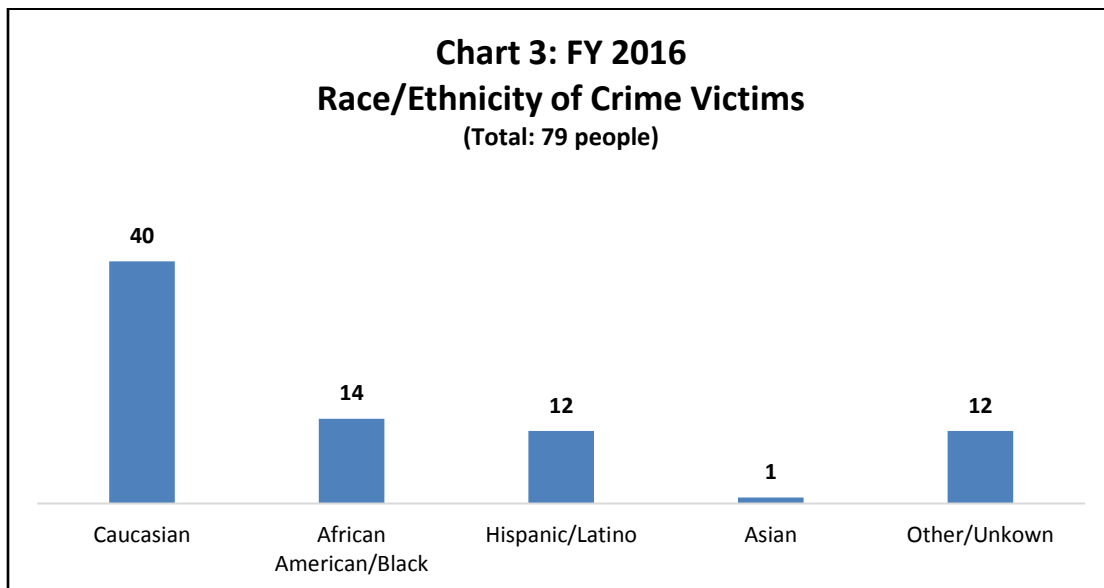
Cases Closed during the fiscal year. These cases may have been opened in a prior fiscal year.

DEMOGRAPHICS

In the newly opened cases, clients self-reported the demographics and crime information included in Charts 2 to 5 below.

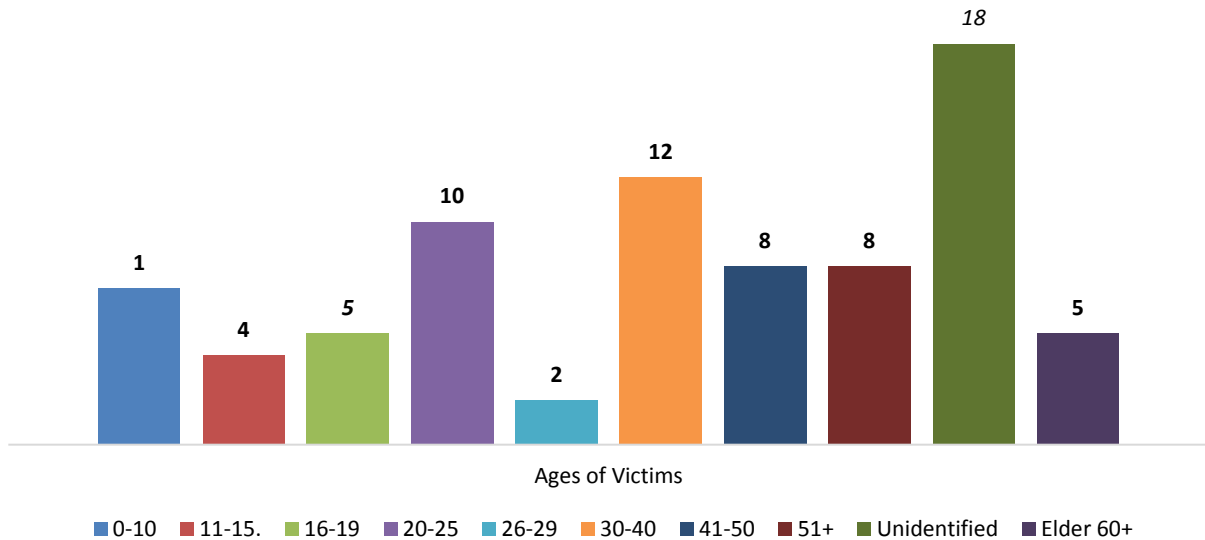


63% female, 30% male and 7% unidentified



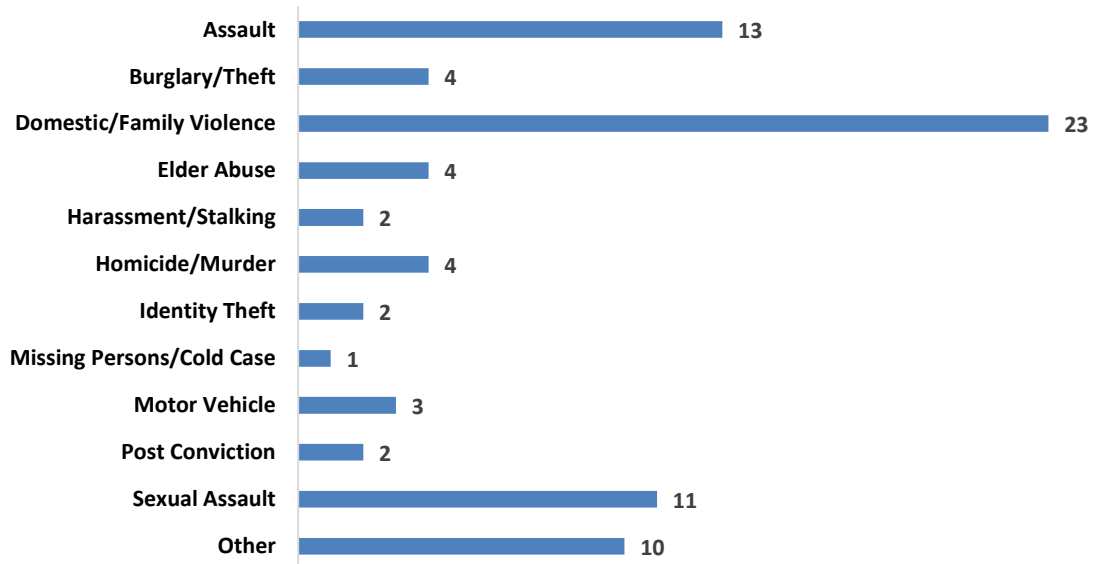
51% Caucasian, 18% African American/Black, 15% Hispanic/Latino, 1% Asian and 12% other or unidentified

Chart 4: FY 2016
Age of Crime Victims
At the time the crime was committed
 (Total: 79 people)



51% adults, 20% minors, 6% senior citizens and 23% unidentified

Chart 5: FY 2016
Type of Crimes Committed

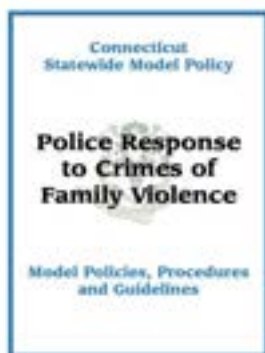


REFERRALS ►

The OVA referred 725 callers to service providers or another State agency, as follows: 211 CT Infoline, the Alliance to End Sexual Assault, the Appellate Court, the Board of Pardons and Parole, Catholic Charities, the Chief State's Attorney Office, credit reporting agencies, the Crime Victim Bar, the Connecticut Bar Association, the Connecticut Coalition Against Domestic Violence, the Connecticut Humane Society, the Connecticut Innocence Project, Connecticut Legal Services, the Connecticut State Police, the Department of Children and Families, the Department of Correction Victim Services Unit, the Department of Housing, the Department of Public Health, the Department of Social Services, the Division of Public Defender Services, the Elder Abuse Hotline, Family Court Relations, the Family Violence Intervention Unit, Federal Court, the Freedom of Information Commission, Greater Hartford Legal Aid, housing authorities, the ID Theft Division of the Federal Trade Commission, insurance companies, Mothers Against Drunk Drivers, the Office of Adult Probation, the Office of the Child Advocate, the Office of the Healthcare Advocate, the Office of Protection and Advocacy, the Office of Victim Services, police departments, police departments, including internal affairs units, Safe at Home, the Salvation Army, Survivors of Homicide, the Special Licensing and Firearms Unit, U&T Visa programs, the U.S. Department of Justice Civil Rights Division, and the Witness Protection Program.

ADVOCACY ►

OVA staff accompanied 13 victims to multiple court and/or review board hearings. In some cases, the OVA filed limited appearances to address matters to the Court on behalf of clients. In other cases, OVA attended for moral support and to educate clients about the criminal justice process. Additionally, OVA monitored Connecticut Supreme Court cases that impact victim's rights, specifically *State v. Michael Skakel* (2016), *State Vs. Devon B.* (2015), and *Wendy V. vs. Luis Santiago* (2015).



To address systemic issues raised by victims of domestic violence, the OVA conducted a survey of all law enforcement agencies to assess if the departments had adopted the Statewide Model Policy for Police Response to Crimes of Family Violence, as mandated in C.G.S. §46b-38b (c)(2) and (4).

Additionally, the OVA began the process of creating a webpage to educate crime victims of potential hearing dates for juvenile offenders impacted by recent U.S. Supreme Court decisions *Graham v. Florida* (2010) and *Miller v. Alabama* (2012). In these cases, the Supreme Court held that states cannot sentence defendants under the age of 18 to life without parole for non-homicide crimes (*Graham*), or homicides unless certain considerations were evaluated (*Miller*). In response to these rulings, Connecticut passed *Public Act 15-84* to establish parole eligibility rules for someone who commits a crime while they are under the age of 18 and are sentenced to more than 10 years. Since the law has been applied retroactively, over 50 offenders have or will be granted early parole hearings.

Unfortunately, some victims did not receive notice of certain hearings, and learned of the hearings via newspapers after they occurred. These hearings regarded resentencing eligibility, which did not change the status of the offender, and consequently did not trigger notice via the existing notification systems. To address this deficiency, the OVA informed the Judicial Branch of the oversight, and the department immediately developed an alternative notice policy for certain hearings.

APPOINTMENTS ►

The State Victim Advocate has been appointed to the following boards or commissions to address the needs and concerns of crime victims: Criminal Information Sharing System, Criminal Justice Information System Governing Committee, Criminal Justice Policy Advisory Commission, Eye Witness Identification Task Force, Family Violence Governing Council, Governmental Accountability Commission, Governor's Task Force on Justice for Abused Children, Governor's Youth and Urban Violence Commission, Racial and Ethnic Disparity Council, Sentencing Commission, Task Force to Study Service of Restraining Orders, and the Trafficking in Persons Council.

COLLABORATIONS ►

The OVA and the Connecticut Coalition against Domestic Violence were presented with a \$2,000 donation from the Brooklyn Correctional Institution's Brooklyn Cares Program. The program, run by the Department of Correction and five prisoners, sells snacks to inmates and the proceeds are donated to organizations. The Brooklyn Cares donation helped supplement the OVA's continued funding of the update and printing of 10,000 *Domestic Violence Best Practices Cards* to be distributed to all police departments across the state.



Brooklyn Cares Donation. Pictured (L-R): State Victim Advocate, Natasha M. Pierre, Acting Warden William Colon, CCADV Director of Public Policy and Communications, Liza Andrews, and DOC Staff member Louise Downer.

The OVA staff collaborated with the Community Renewal Team for its "Tee off With Women to End Domestic Violence" Golf Classic, where the State Victim Advocate was a keynote speaker. OVA staff volunteered at the 20th Annual Melanie Ilene Reiger Conference Against Violence. OVA collaborated with law enforcement via participation in the VOICES Program at MacDougall-Walker Correctional institution, and tours of several correctional facilities.

LEGISLATION ►

The State Victim Advocate met with legislators and testified before the Legislature on key bills that address crime victim's rights. The OVA monitored 74 bills and submitted testimony on 27 bills before the Appropriations, Children, Education, Higher Education & Employment Advancement, Insurance & Real Estate, and Judiciary Committees.

The Office of the Victim Advocate submitted the following legislative proposals to address the constitutional rights of crime victims:

AN ACT CONCERNING A VICTIM’S RIGHT TO BE REASONABLY PROTECTED FROM THE ACCUSED

Section 1 Purpose: Require the Commissioner of Emergency Services and Public Protection to provide written notification to a person, who is protected under an order of protection, that the respondent of the order has complied with the requirements to surrender, deliver or transfer any firearms as a result of the issuance of an order of protection.

Section 2 Purpose: Require the defendant to surrender, deliver or transfer any firearms in the possession of the defendant when a defendant is granted entry into the Supervised Diversionary Program and the court determines there is a risk to the victim and the defendant possesses firearms.

Section 3 Purpose: Require a designated party, other than the defendant, to provide notice to any victim of a crime when a defendant makes an application for the Accelerated Pretrial Rehabilitation Program.

AN ACT CONCERNING A VICTIM’S RIGHT TO COMMUNICATE WITH THE PROSECUTION

Purpose: Allow the victim to communicate directly with the State’s Attorney in the Judicial District where the crime occurred whenever a prosecutor, after the investigation of the circumstances of a death, has declined to prosecute any person in connection with the death.

AN ACT CONCERNING A VICTIM’S RIGHT TO OBJECT TO OR SUPPORT ANY PLEA AGREEMENT AND TO MAKE A STATEMENT TO THE COURT CONCERNING ANY PLEA AGREEMENT

Purpose: Eliminate the language that limits a victim’s right to address the court regarding a plea agreement when the defendant pleads to a lesser offense than the offense originally charged.

AN ACT CONCERNING A VICTIM’S RIGHT TO INFORMATION ABOUT THE ARREST, CONVICTION, SENTENCE, IMPRISONMENT AND RELEASE OF THE ACCUSED

Purpose: To ensure that crime victims are notified of and provided information about the arrest of an accused.

Below is a listing of certain legislation that passed during the legislative session:

Senate Bill No. 213, An Act Concerning the Inheritance Rights of a Beneficiary or Survivor Who is Found Not Guilty of Murder or Manslaughter by Reason of Mental Disease or Defect

Prohibits a person from benefiting from their actions that caused the death of another by barring them from being able to receive insurance benefits or inheritance from the estate of the deceased when: the person is found guilty of manslaughter in the second degree or manslaughter in the second degree with a firearm, or the person is found not guilty by reason of mental disease or defect.

Senate Bill No. 349, An Act Concerning the Privacy of a Minor

Includes the recording of a minor, created by the use of a police body camera, among those recordings that are not disclosable pursuant to the Freedom of Information Act (FOIA).

House Bill No. 5054, an Act Protecting Victims of Domestic Violence

Requires a respondent of an ex-parte restraining order to surrender firearms within 24 hours of notice of the order.

House Bill No. 5289, An Act Concerning Protective Services for Vulnerable Persons

Requires the Commission on Aging to evaluate protective services for elderly persons in the state and submit recommendations.

House Bill No. 5366, An Act Concerning Court Operations

Allows the court in a restraining order hearing to consider additional information from the Judicial Branch's family services unit report, including existing or prior orders of protection, information on pending or past criminal cases in which the respondent was convicted of a violent crime, pending arrest warrants and a respondent's level of risk based on a risk assessment tool utilized by Court Support Services Division.

House Bill No. 5376, An Act Concerning Affirmative Consent and Consent for the Care and Treatment of College Students who are the Victim of Sexual Assault

Requires institutions of higher education to adopt a policy that utilizes "affirmative consent" as the standard for investigating sexual assaults on campus. Additionally, it requires disclosure regarding the investigation and disciplinary process for sexual assaults on campus.

House Bill No. 5605, An Act Concerning the Termination of Parental Rights

Permits the court to terminate the parental rights of a person who committed sexual assault that resulted in the conception of a child.

House Bill No. 5621, An Act Concerning Human Trafficking

Enhances protections for human trafficking victims by: prohibiting a person age 16 or 17 from being convicted of prostitution; expanding criminal charges to include penalties for those that entice or patronize 16 or 17 year olds into prostitution; allowing the court to impose a standing criminal protective order; requiring each state's attorney and municipal police chief to annually report information on trafficking cases, and; requiring hotels, motels, inns and similar lodging operators to maintain records of all guest transactions for six (6) months and provide training to its employees.

House Bill No. 5642, An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee

Designates the Victim Advocate as a member of the Juvenile Justice Policy and Oversight Committee (JJPOC).

PUBLIC OUTREACH AND EDUCATION ►

The OVA presented at several events, and participated in press and radio interviews, reaching approximately 4,000 individuals. These educational events were held by businesses, churches, community organizations, senior center community centers, and universities.

Additionally the State Victim Advocate met with legislators, victim advocacy groups, state's attorneys, and other public agency officials to provide outreach and education in targeted areas throughout the state.

The OVA continued to maintain print and electronic materials, including a quarterly newsletter, brochures, a website, Facebook, and Twitter.



The OVA sponsored events during the National Crime Victims' Rights Week. The week began in the Legislative Office Building concourse in Hartford. Information about crime victims' rights, resources and services was provided by staff from the OVA, the Connecticut Alliance to End Sexual, the Connecticut Coalition Against Domestic Violence, Mothers United Against Violence, the Office of Victim Services, and Survivors of Homicide. The OVA, in partnership with the Central Connecticut State University Ruth Boyea Women's Center, held a public hearing at the university. Crime victims told the OVA, the Commissioner of the Department of Correction, and the Executive Directors of the Office of Victim Services, the Connecticut Alliance to End Sexual Violence, and Survivors of Homicide about their experiences while practicing their constitutional rights during the criminal justice process as a crime survivor. The OVA rounded out the week with the Second Annual 5k Race and Unity Walk with Mothers United Against Justice at Bushnell Park in Hartford. The race attracted 40 participants.



Every year in April, the country observes National Crime Victims' Rights Week (NCVRW). This year's theme—*Serving Victims. Building Trust. Restoring Hope.*—underscores the importance of early intervention and victim services in establishing trust with victims, which in turn begins to restore their hope for healing and recovery.

The State of Connecticut Office of The Victim Advocate (OVA), spearheaded events throughout the week to promote and share this year's theme.

MONDAY, APRIL 11, 2016 - LOB CONCOURSE

Participants: The Office of the Victim Advocate, the Connecticut Alliance to End Sexual Violence (formerly CONNSACS), the Connecticut Coalition to End Domestic Violence, the Department of Correction Victim Services Unit, Mothers United Against Violence, the Office of Victim Services, and Survivors of Homicide.



WEDNESDAY, APRIL 13, 2016 - PUBLIC HEARING



On Wednesday, April 13th The Office of The Victim Advocate in partnership with the Central CT State University Ruth Boyea Women's Center held a public hearing at Central CT State University. The hearing was held to evaluate the services and state of crime victims rights in CT. The panel comprised of representatives from leading victim service agencies included: The Office of the Victim Advocate, the Connecticut Alliance to End Sexual Violence (formerly CONNSACS), the Department of Correction, the Office of Victim Services, and Survivors of Homicide.

2nd Annual

5k

RUN & UNITY WALK

*The Office of The Victim Advocate held its
2nd Annual 5k Run & Unity Walk at The Bushnell Park in Hartford, CT.*



SAVE THE DATES!
NCVRW April 2-8, 2017

OVA Staff

Natasha M. Pierre, Esq., State Victim Advocate – Ms. Pierre was appointed as the State Victim Advocate on November 28, 2014, by Governor Dannel P. Malloy and assumed her responsibilities on December 26, 2014. The Legislature confirmed her appointment in February 2015.

Merit Lajoie, Complaint Officer --- Mrs. Lajoie joined the OVA in May 2000. She advocates for clients during the criminal justice process, conducts public education and outreach, and represents the OVA on boards and commissions.

Hakima Bey-Coon, Esq., Staff Attorney 3 --- Ms. Bey-Coon joined the OVA in March 2006. She provides legal counsel to clients, and represents the OVA on boards and commissions.

Vanessa M. Torres, Secretary II --- Ms. Torres joined the Office of the Victim Advocate in 2011. She conducts intakes, manages office and budget administration, and implements social media and public education and outreach strategies.



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