

OFFICE OF THE VICTIM ADVOCATE

MICHELLE CRUZ, ESQ.
STATE VICTIM ADVOCATE

2011

ANNUAL REPORT

PROTECTING & PROMOTING THE RIGHTS OF
CRIME VICTIMS IN CONNECTICUT

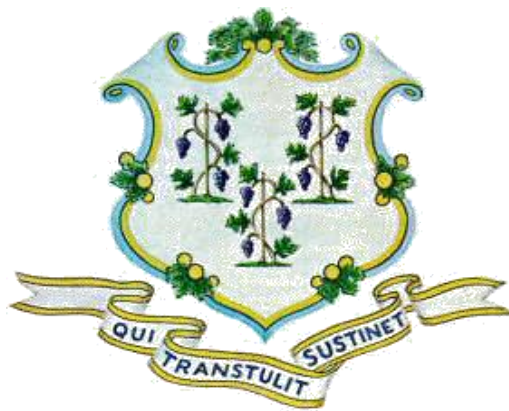


TO THE GOVERNOR AND THE CONNECTICUT GENERAL ASSEMBLY

June 8, 2012

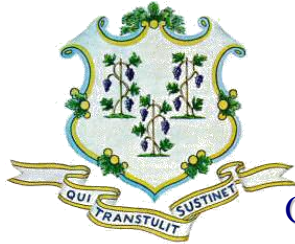
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STATE OF CONNECTICUT
OFFICE OF THE VICTIM ADVOCATE



STATE VICTIM ADVOCATE

MICHELLE CRUZ, ESQ., APPOINTED ON 11/5/2007



Michelle Cruz, Esq.
State Victim Advocate

STATE OF CONNECTICUT
OFFICE OF GOVERNMENTAL
ACCOUNTABILITY

OFFICE OF THE VICTIM ADVOCATE

505 HUDSON STREET, HARTFORD, CONNECTICUT 06106

June 8, 2012

Appropriations Committee
Connecticut General Assembly
Legislative Office Building Room 2700
Hartford, CT 06106

Dear Governor Malloy and Members of the General Assembly:

Pursuant to Section 46a-13b of the Connecticut General Statutes, you will find herein the Office of the Victim Advocate's 2011 Annual Report.

During the reporting period the state of Connecticut made great strides in advancing the rights of crime victims including outlawing the practice of criminally charging domestic violence victims with violating their own orders of protection, creation of the Law Enforcement Response to Family Violence Task Force to make recommendations for a state-wide model policy for law enforcements; response to incidents of family violence, improvements to the state's Missing Persons' Policy and the first Crime Victims' Summit. Despite these and other successes, there is more work needed to advance the rights of crime victims. The OVA is cognizant that crime victims' rights are, for all intents and purposes, in their infant stages. Today we stand just a little over ten years from when Connecticut guaranteed crime victims state Constitutional rights. The criminal justice system, a system which, until recently, focused solely on ensuring the protection of the rights of offenders, is still adjusting to the inclusion of crime victims' codified rights. Today's Connecticut crime victims are still trying to make sense of what it means to have codified rights in our state. The OVA will continue to work towards the advancement of crime victims' rights in CT. We at the OVA are hopeful that in the coming months and years crime victims will emerge from our criminal justice system with a tool box full of enforceable state Constitutional and statutory rights, rights which will be more than mere verbiage.

Lastly, I am pleased to report that the OVA was honored to be nominated in 2011 for the National Crime Victims Law Institute Victim Advocacy Award.

Sincerely,

Michelle S. Cruz, Esq.

Michelle Cruz, Esq.
State Victim Advocate

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MISSION STATEMENT OF THE OFFICE OF THE VICTIM ADVOCATE

To secure just and fair treatment of victims of crime while protecting and promoting the rights of crime victims. To promote awareness of crime victims' Constitutional and Statutory rights through education and training.

OFFICE OF THE VICTIM ADVOCATE OUTLOOK FOR 2012

As Connecticut's lead agency for crime victims' rights enforcement, the Office of the Victim Advocate (OVA) is charged with ensuring crime victims are treated with fairness and respect during their journey through the Connecticut criminal justice system. In 2011 the OVA was successful in building partners within the criminal justice community and outside agencies which has improved the responsiveness and overall delivery of services to our clients. The OVA will continue to seek collaboration and partnership opportunities to continue to move forward in building stronger cross community relationships for the benefit of our mutual clients. The OVA continues to initiate and work in partnership to advance policy and legislation advancements that promote the rights of crime victims in Connecticut. The OVA will continue to collaborate with court and prosecutorial staff to swiftly resolve issues and barriers which impede the rights of crime victims. Additionally as of July 1, 2011, the OVA was merged with 8 other oversight agencies, into the Office of Governmental Accountability. The merger offers the OVA an opportunity to address the Office needs and work together with the Executive Administrator of the OGA to bring resources to the OVA, such as IT support, that was previously unavailable to the OVA to improve the OVA's responsiveness to our clients.



The 2011 Annual Report is submitted to the Governor and the Connecticut General Assembly in accordance with C.G.S. § 46a-13b (f).

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.



TODAY'S OFFICE OF THE VICTIM ADVOCATE

HISTORICAL REVIEW



In 1996 the state of Connecticut, in recognizing the plight of crime victims, granted crime victims state constitutional rights to protect their interests and to acknowledge their place in the criminal justice system. In 1998, recognizing that crime victims will require an agency or entity to assist with addressing possible rights violations and gaps in services, the legislature created the OVA, modeling the agency after the Office of the Child Advocate.

The OVA struggled over the next decade with conflicts involving the agency's Advisory Committee, who, at times, sought to harness the OVA's independence and direct the agency's mission.

Over the years these conflicts undermined the work of the OVA and threatened the agency's continued independence.

In 2011, through Public Act 11-48 the OVA along with the Office of the Child Advocate, Freedom of Information Commissioner, State Contracting Standards Boards, the Office of State Ethics, Judicial Selection Commission, Judicial Review Council, the Board of Firearms Permit Examiners, and the State Elections Enforcement Commission were merged and the Office of Governmental Accountability (OGA) was created. The concept behind the merger was to consolidate back office support, such as "personnel, payroll, affirmative action, and administrative and business office functions, including information technology" to save vital resources. The OGA, however, would not interfere with the independence of the individual nine agencies in fulfilling their respective mandates. As a result of the merger, the OVA's Advisory Committee was dismantled and a new Committee was formed for the sole purpose of recommending candidates to the Governor for appointment in the future for the position of State Victim Advocate. With the revised role of the Advisory Committee, the OVA's decade long struggle with the internally conflicted OVA Advisory Committee finally came to an end.

THE WORK OF THE OVA

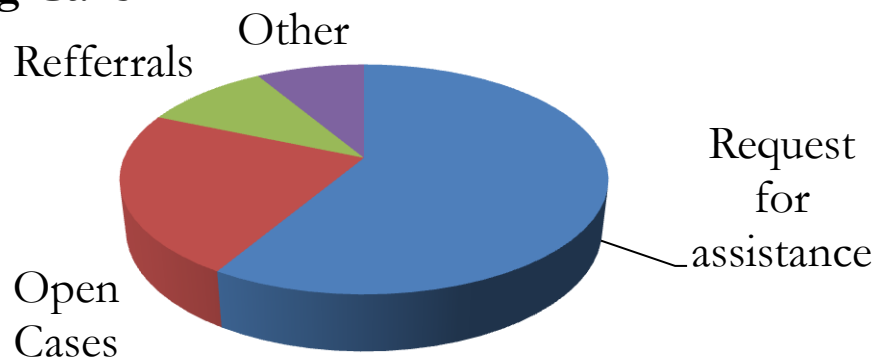
During the reporting period there were successes and challenges for crime victims in Connecticut. Connecticut made great strides in improving the responsive to victims of domestic violence and there were sets backs as well. The following is a summary of the reporting period.

COMPLAINT/INTAKE ACTIVITY

The OVA's mandates include receiving complaints from crime victims, supporters of crime victims and agencies and/or entities on behalf of crime victims. In 2010, the OVA set as a high priority the Office's ability to quantify the number of requests for assistance from the crime victim community. During 2010 – 2011 the OVA responded to more than 6800 requests for assistance. 2300 inquiries involved short term involvement including, education; referral, short term legal, agency or Court advocacy. 1,700 requests involved prolonged advocacy, including in-depth investigations; legal assistance; court or agency/organizational intervention; and/or policy/legislative advocacy. These figures do not include on-going continued involvement with crimes victim that pre-dated 2010-2011. The work of the OVA does not end once there is an arrest, conviction or imprisonment. The victim's and/or family's needs often continue through the years and change depending on the circumstances of a case.

Many of the OVA investigations stem from the OVA's mandates to monitor the services provided to crime victims. The OVA monitors the news throughout Connecticut for incidents and/or events that may negatively impact crime victims or hamper access to services for crime victims. The OVA actively monitors the criminal justices system as well as agencies and entities that provide services to crime victims to identify policies and/or procedures which may hamper or impede a crime victim's access to services and ability to exercise their state Constitutional rights and other statutory rights. The OVA, in turn, utilizes this information and reviews statutes, policies and/or practices to ensure crime victims' rights are not unintentionally violated. The information the OVA gathers through this monitoring process and through individual requests for assistance and inquiries, is then utilized for future proposals involving legislative initiatives and policy changes, as well as educational endeavors and outreach programs.

Incoming Calls



Inter-agency Collaborations:

During the reporting period the OVA met with countless representatives of state agencies, non-profit organizations, and entities who work with crime victims on varying levels to discuss issues impacting crime victims and future partnership opportunities in the coming months, including:

- Commissioner Katz of the Department of Children and Families
- Commissioner Arnone of the Department of Correction
- Commissioner Bradford of the Department of Emergency Services and Public Protection
- Chief Court Administrator Barbara Quinn and Honorable Justices Patrick Carroll
- Executive Director Laura Cordes of CONNSACs
- Interim Executive Director Karen Jarmoc of CCADV
- Chief Esserman of New Haven Police Department
- Mayor Daniel T. Drew, Mayor of Middletown, CT
- Department of Insurance

The OVA continues to be a resource to agencies and organizations working with crime victims. To that end the OVA reviewed and provided recommendations to update the Connecticut Law Enforcement Officers' Field Manual in collaboration with Elliot Spectrum, Esq. and also provided feedback for the Judicial Branch on their legal forms.

Outreach and Education:

Crime Victims' and their supporters continue to voice concerns over the lack of information regarding services to crime victims. The OVA continues to seek measures to improve crime victim's services information and ensure appropriate referrals to services that are provided throughout CT.

In furtherance of the OVA's mandates to conduct programs of public education, the OVA provided numerous trainings and educational endeavors to a myriad of audiences throughout the state during the reporting period including trainings for law enforcement, attorneys, crime victims, crime victim service providers, probation and parole, colleges and universities, high schools, and the community at large.

Additionally, the State Victim Advocate was invited to be the Keynote Speaker for the Kentucky Crime Victims Assistance Conference; *Reshaping the Future--Honoring the Past*, Celebrating 25 Years of Victims' Rights in Kentucky and to conduct a breakout session on the innovative work of the OVA and its investigative reports.

During the reporting period the OVA applied for an Identify Theft grant through the Maryland Crime Victims' Resource Center. The OVA was able to partner with and obtain MOUs from five of New England's six Attorney Generals, to collaborate on training and education to improve the response to identify theft victims. Although the OVA was unsuccessful in obtaining the grant, the ability to partner with the majority of the New England Attorney Generals signified a huge success

and hopefully the OVA's work in cultivating these partnerships will in the future bring forth a collaborative response to the needs of crime victims in our Region.

The OVA is an active member of numerous Committees and Commissions including, CJIS Governing Board Meeting; OBTS Steering Committee Meeting; Governors Task Force on Abused Children, Victim Service Sub-Committee; Connecticut Sentencing Commission and Sub-Committee –Legislation; SAFE Advisory Committee; Racial and Ethnic Disparity Commission; Eye Witness Protection; Model Policy Task Force and Law Enforcement Response to Family Violence Task Force and the Bond/Bail and Model Policy Sub-Committees, Tunxis Community College Criminal Justice Advisory Board and Melanie Ilene Rieger Conference Planning Committee

The OVA will continue to seek membership and inclusion in the Office of Victim Services, Advisory Council and the Criminal Justice Policy Advisory Committee.

Crime Victims' Summit:

In November 2011, the OVA sought to bring forth the spirit behind the original OVA Advisory Committee, and to give voice to the Office's constituents and crime victims, through creation of the Crime Victims' Summit. The OVA recognized that individual crime victims respond and react individually in the aftermath of a crime. Although each victim has a separate and distinct path, there are commonalities among sub-groups of crime victims from which the OVA can learn from. The Crime Victims' Summit hoped to bring representation from ten subgroups of crime victims. The Crime Victim Summit was compromised of representative victims of crimes involving: assault (stranger), sexual assault, domestic violence, campus crime, homicides, drunk driving and cold and missing person cases. The OVA will continue to seek representation from victims of gang violence and trafficking at next year's Summit. The Summit met on two occasions and voiced their concerns and thoughts regarding barriers and obstacles to justice within their respective community. The Summit meetings resulted in the first ever OVA's Summit Report, a detailed needs assessment from the crime victim population identifying barriers to access the Criminal Justice System and formulating recommendations to resolve these issues. The Crime Victims' Summit Report was released on 1/24/12. In the coming year the OVA hopes to advocate and implement the recommended changes outlined in the Crime Victims' Summit Report and to continue to support and address the needs of the crime victim community. Further the OVA will continue to build from the 2011 Crime Victims' Summit in 2012 to capture the needs of our state's crime victim population.

Crime Victims' Annual Speakers' Bureau:

The OVA held its second Annual Speakers Bureau in July of 2011. The agenda entitled "Finding Empowerment through Advocacy" focused on crime victims' rights, services offered by the OVA, how to navigate the criminal justice system, how to advocate for crime victims during their journey through the criminal justice system, how to advocate for crime victims during their journey through the criminal justice system and how to advocate for legislative reform. There were ten participants, some of whom attended the first Annual Speakers Bureau training, and an expressed interest in attending the Speakers Bureau Certification training. Participants were encouraged to identify

audiences and venues within their respective communities for a presentation by the OVA on crime victims' rights and services. The OVA is committed to providing educational opportunities to inform communities of the services of the OVA, crime victims' rights and the services that are available throughout the state.

Crime Victims Rights- Notification:

Timely and accurate notification to crime victims continues to be one of the most prevalent barriers faced by victims as they navigate the criminal justice system. Appropriate notification is key to a crime victim's successful experience with the Criminal Justice System. During the reporting period the OVA informed and educated numerous crime victims of their constitutional rights. The OVA authored notification letters to the state's attorneys' offices and to the court, on behalf of the victim, to inform the court and state's attorneys that the victim is affirmatively invoking their rights, including their right to be reasonably protected, to address the court at plea and at sentence, to meet with the prosecutor and to receive restitution from the offender for out of pocket expenses relating to the crime. The notification letter serves to bond the flow of communication between the state's attorneys' offices and/or the court based victim advocates with the crime victims as well as to ensure that the crime victims have satisfied their obligations to provide the state's attorneys with notice of their intent and requests.

During the reporting period the OVA was alerted to confusion regarding the Office of Victim Services' letter regarding expiration of Orders of Protections. The issue involved cases where there were several Orders of Protection involving the same parties. As a result the OVA worked with Judicial Branch representatives including representatives from OVS on updating the notification letter regarding Orders of Protection.

Court continuances continue to be a barrier faced by crime victims. The OVA heard from numerous crime victims that are not being informed of continuances of court dates. The OVA heard directly from several surviving family members that after sitting in court for an entire day, they eventually learned the defendant's case was continued. The OVA was able to determine that these incidents of rights violations usually occurred with off the record continuances or late continuances. The OVA reached out to the Chief State's Attorney's Office to see if steps could be taken at the State's Attorney's Offices to alert crime victims of the off the record continuances/ or late continuances. The OVA suggested the State's Attorney's Offices could provide a sign in list for crime victims at the States Attorney's Offices. This would facilitate communication between the crime victim and the States Attorney's Offices which would then alert the State's Attorney a victim or surviving family member(s) were present and, if a continuance had occurred, the victim(s) or surviving family member(s) could be alerted early in the day if any continuances. The OVA also reached out to the Judicial Branch to likewise see what if any steps could be taken to reduce the number of victims who are unaware of out of court or late continuances. The OVA will continue to seek a collaborative response to this troubling practice.

Domestic Violence Advocacy:

During the reporting period the OVA was active on many levels to improve the state's services and response to domestic violence victims.

Restraining Order Service: In 2011 the OVA was finally able to end the practice in Connecticut of charging domestic violence victims with service of their own restraining orders, a lengthy fight for the past two years. The issue was brought to the attention of the OVA in 2009. The OVA received a call from a Justice who presides in Massachusetts who expressed his concerns regarding the issues of Connecticut charging victims for services of these vital orders. As a result, the OVA contacted the Chief Court Administrative Justice in MA to further discuss issues that had been brought to his attention. The OVA was advised of the extent of the practice in CT. Over the next two years, the OVA met with numerous members of the CT Judicial Branch and other members of CT's Criminal Justice System in attempts to resolve this issue. Through collaboration with the CT State Marshals Commission, the practice of charging victims for service of orders of protection has been addressed. The OVA was also able to streamline the service process, through identifying and clarifying service in the neighboring states with the CT State Marshals Commission. Although the resolution of these issues is a tremendous accomplishment, the issue will continue to occur, although less frequently, as long as the victim of domestic violence is responsible for the service of their own restraining order. The more suitable method for service, and one that a sampling of the Courts both in state and out of state have adopted, is for the Clerk of Court to process the restraining order service. The OVA will continue to work towards this end in the coming months.

Legislation: The OVA worked with the Speakers' Task Force on Domestic Violence on several legislative initiatives involving crime victims, including outlawing the practice of criminally charging victims of domestic violence with violating their own orders of protection and creation of a Model Policy Task Force on Law Enforcement's response to domestic violence, of which the OVA was a member. (A detail account is provided in the "Legislation Section" of the report)

Bail Bondsmen: The OVA met with the Connecticut Insurance Department to address training and practices involving Bail Bondsmen in light of the many changes during the 2010 Legislative session involving Bail Bondsmen practices. The Insurance Department and the OVA collaborated to incorporate an overview on domestic violence issues in the training of Bail Bondsmen in Connecticut and identify additional areas of concern that negatively affect victims of domestic violence. The OVA will continue to partner with the Insurance Department to address these concerns and others as these may arise in the future.

Mandatory Reporting: The OVA met with Commissioner Katz from the Department of Children and Families to discuss collaborative efforts involving mandatory reporting in domestic violence cases, including ways to improve reporting involving domestic violence advocates. The response from Commissioner Katz was positive and the OVA believes under the new administration the OVA will finally be able to address issues that had in the past remained unresolved with DCF. During the investigation of the Murder of Shengyul Rasim, which is ongoing, it was identified that

there is a low rate of mandatory reporting by domestic violence advocates. The OVA, through bringing together DCF and CCADV, hopes to develop an alliance between OVA, CCADV and DCF in terms of strengthening the reporting required under law in cases involving domestic violence.

Shelter: The OVA assisted a number of domestic violence victims in resolving issues related to successfully obtaining shelter including a victim who had been hospitalized and was unable to obtain shelter and a victim who had been terminated from the shelter program. There continues to be issues with the sheltering in Connecticut. The OVA plans to look into the process for reviewing accountability of the shelters, the practice of refusing shelter for victims who reside in the “catchment” area, transitional plans offered by the shelters and streamlining sheltering of victims who have been injured.

Post Conviction: The OVA worked with the Department of Corrections Commissioner to discuss the issues involving victims of domestic violence whose offender’s were incarcerated. The OVA also proposed a Domestic Violence “high risk offender” parole/probation program and provided the Commissioner with several frameworks to create a program.

Crime Victims’ Rights -Workplace Violence:

During the reporting period the OVA provided assistance to several crime victims who were also state employees and partnered with the state agency to ensure the protection of the victim. In working with this population it became clear that the state’s Workplace Violence Policy should include the rights afforded to crime victims, such as the rights to be treated with fairness and respect and the right to be reasonably protected from the accused as well as services available to victims of crime. In order to reduce workplace violence, the state should encompass the responsibilities imputed upon state agencies and the rights afford to the crime victims employee. This can be easily accomplished through updating the State of Connecticut’s Workplace Violence Policy to include the state Constitutional rights of crime victims, the responsibilities of state agencies to ensure the victim’ rights are not infringed upon and the services available in the state for the crime victim population. The OVA took steps towards updating the state’s Workplace Violence Policy during the reporting period and will continue these efforts.

Crime Victims’ Rights - State Colleges and Universities:

During the reporting period the OVA received requests for assistance from crime victims attending state colleges and/or universities highlighting issues with certain campus’ responses to crime victims. In response the OVA instigated a collaborative meeting with membership of Connecticut Independent Colleges to address the role of the Colleges when handling a crime victim’s complaint when reporting a crime on campus or a complaint that involves college students. The OVA also met with the Connecticut College Consortium Against Sexual Assault to look at the possibility of creating a statewide policy regarding the treatment of crime victims on Connecticut state college campuses, a concern voiced during the Crime Victims’ Summit. The policy would mirror the rights currently afforded to crime victims through the State Constitution.

The OVA continues to monitor colleges and universities to ensure crime victims who report crimes on campus or crimes involving students attending the state's colleges or universities are complying with the crime victims' rights. The OVA hopes in the future to work in collaboration to train campus Judicial hearing Officers and staff regarding the rights of crime victims in Connecticut to ensure compliance.

Crime Victims Rights - Prosecution:

The OVA assisted numerous crime victims with obtaining information from the state's attorney's offices regarding pending prosecution of defendants including: information related to the criminal charges faced by the defendants; the indicated plea offers made to the defendants; and the state's attorneys' determination for signing arrest warrants. The OVA has requested meetings with the prosecutor and advocates, and accompanied the crime victim(s) to the meetings, to ensure that the victims' questions and concerns have been addressed and the victims' voice has been heard. Specifically the OVA assisted crime victims in advocating for: restitution, appropriate charging of the offender, and addressing rights violations.

The OVA coordinated a meeting between the surviving family members of a homicide victim and the Cold Case Unit within the Office of the Chief State's Attorney for consideration. The OVA attended the meeting with the surviving family members to ensure that the family members were able to voice their concerns to the Cold Case Unit and state their request for the investigation of the murder of their loved one be reviewed and accepted by the Cold Case Unit.

The OVA acted on behalf of the family of a murdered victim to obtain the status of the investigation and learned a warrant had been submitted and remained unsigned for over four years. The OVA met with the State's Attorney and his staff to address the warrant status and whether the case could be sent to the Cold Case Unit. Through these discussions the State's Attorney identified items that had not be analyzed and those items were sent to the State Forensics lab for testing. The case remains unsolved.

The OVA has been successful in obtaining protective orders on behalf of victims of harassment and sexual assault where the prosecutor and/or the court based victim advocate was not familiar or not aware of the change in the law. The General Assembly had expanded the law to allow the criminal courts to issue protective orders in those criminal matters, recognizing the need to provide protection to victims of harassment, sexual assault and stalking cases *that do not involve a family member or domestic relationship*.

Witness Protection:

Throughout the reporting period, the OVA has maintained a strong cooperative relationship with the Witness Protection Program (WPP), Office of the Chief State's Attorney, and has coordinated protection efforts on behalf of several victims. The OVA provided assistance to crime victims through referrals which ultimately resulted in certification into the State's Witness Protection Program.

Specifically, the OVA successfully facilitated the screening and subsequent Certification through the Witness Protection Program (WPP) of a victim of domestic violence whose offender remained at large and the victim's safety was in jeopardy. The OVA informed the police department of the availability of witness protection services and the process for requesting certification of a victim/witness into the program. The OVA attended the meeting between the victim, representatives of the WPP, the state's attorney's office and the police department. The OVA likewise facilitated the screening and ultimate Certification of a crime victim of road rage into the Witness Protection Program during the probation/parole period.

In working with victims and the law enforcement community, the OVA identified a need for a policy detailing the procedures involved in screening a potential witness and/or victim for the State Witness Protection program, including identifying a point person in each of the 13 Judicial Districts in order to better ensure proper screening of serious felonies in our state. Additionally there is a need to ensure the State's Attorneys, their staff and the law enforcement community are aware of the array of services available to witnesses and victims through the Witness Protection Program, aside from the extreme cases which involve relocation. The OVA has requested the Chief State's Attorney's Office encourage and promote a statewide policy on screening cases involving serious felonies. The OVA may need to seek a legislative fix to ensure the protections available through the State's Witness Protection Program are provided to those witnesses and victims who are at great risk for harm.

Legal Advocacy:

The OVA filed a Motion in the State v. Karmisarjevsky case advocating for the right of the surviving family member and crime victim to remain in Court in opposition to the Defense's Motion to sequester the crime victim. The OVA's efforts were joined by the State's Attorney Mike Dearington. The Motion was successful.

The OVA provided legal assistance to a victim of domestic violence who had been granted an ex-parte restraining order, yet was experiencing difficulties serving the out-of-state restraining order on the respondent in the less than seven day turn around time provided by the Court. The OVA assisted the victim in obtaining an extension for the return date of the restraining order hearing and helped facilitate the service of the Order in New York.

The OVA filed a Motion in Bristol to assert the victims' right to be treated with fairness and respect and for the victim to be reasonably protected from the accused in court on behalf of a domestic violence victim. The victim had been charged and criminally prosecuted for violating her own protective order.

The OVA was successful in advocating for the State's Attorney's Office in the Bridgeport Court to file a motion re-calling a case back to court for the purpose of getting a standing criminal restraining order for the victim.

The OVA was successful in getting the Meriden Police to re-open their criminal investigation of an assault that occurred 2 years prior. Although the investigation did not lead to the arrest of the offender, the victim was appreciative that the police conducted additional investigation into the case.

The OVA was successful in obtaining the issuance of numerous standing criminal protective orders on behalf of victims of domestic violence that were unaware of the extended protection available at the disposition of family violence matters.

The OVA provided court advocacy to a victim of domestic violence that was exposed to continued harassment by the defendant as the defendant attempted to use the family court system and the criminal court system to further abuse the victim. The OVA's attorneys entered an appearance to advocate on the behalf of the victim and attended numerous pre-trial conferences to ensure that the rights of the domestic violence victim were protected during the criminal justice process.

Crime Victims' Rights – Post Conviction:

Public Act 11-51 Risk Reduction Earned Credits: In May of 2011, PA 11-51 passed which included a risk reduction earned credit for incarcerated inmates providing retroactive risk reduction credits dating back to April 2006 as well as risk reduction earned credits at a rate of 5 days per months. As a result, in the fall of 2011, crime victims whose offenders were incarcerated began to receive letters from the Department of Correction regarding the possibility of the inmate attached the crime to which they were the named victim, may be released early as a result of the Risk Reduction Earned Credits. The OVA began to receive complaints from crime victims as a result of the letters. After working with the crime victims the OVA learned some of the inmates were ineligible for credit. As a result the OVA reached out to the Commissioner of the Department of Correction and requested the letters not go out to all crime victims, but rather to only the crime victims whose offenders were eligible for the risk reductions credits. In addition, one particular inmate with whom the OVA was concerned about eligibility and, according to a notification letter, would receive risk reduction earned credit, was Antwain Anthony. The OVA contacted the Commissioner of the Department of Correction regarding this inmate as the inmate had a long history of serious on numerous Correctional Officers while in custody serving a jail sentence. The OVA was later informed, that despite the letter, this inmate would not be receiving risk reduction earned credits. In response to the OVA's work, the Commissioner sent a personalized letter to the victims. The OVA has been informed that now only victims whose offenders' are eligible will receive a letter regarding the risk reduction credits.

Additionally a number of crime victims were upset that there was no public hearing on the issue of risk reduction credits and that the promise made to the victim and the victims' family that the offender would serve a certain enumerated term of months or years, was now, through this Legislation, not being honored. Many of the victims and their families informed the OVA that they felt let down by the Criminal Justice System. The issues surrounding the risk reduction earned credits remains pending.

Compensation and Restitution:

Restitution for crime is a guaranteed right contained within the Crime Victims' Rights Amendment. Although in many cases restitution is being ordered through probation, the implementation of the Written Order of Restitution has been slow. The Written Order of Restitution continues to be widely underutilized within the criminal justice community. Crime victims are often unaware of the Written Order as well. In criminal matters, when a crime victim requests restitution and provides documentation to substantiate the loss, the court shall order that restitution be paid by the offender. If the court is reluctant because of an offenders expressed inability to pay, there are options such as continuing the case for six months for the court to follow up on the wishes that the offender obtain employment. The confusion predominantly lies within the indigent population of offenders. This written order of restitution (form JD-CR-130), is enforceable as a civil judgment, pursuant to C.G.S. 53a-28a, and serves to provide crime victims with an enforceable judgment to attach wages, assets, etc. without the burden and expense of the lengthy civil court process. Additionally, the written order of restitution protects a victim's restitution when the court orders that restitution be paid as a condition of the defendant's probation and the defendant later violates the terms of his/her probation and is sentenced to a period of incarceration. The written order of restitution is valid for ten years and when a defendant is incarcerated, the time period begins once the defendant is released from incarceration. This written order of restitution is currently under utilized throughout the criminal courts. The OVA has been successful in obtaining written orders of restitution on behalf of victims in numerous criminal matters, while at the same time, educating those within the criminal justice system as to the importance of the issuance of the written order of restitution.

In addition, the OVA has been successful in collaborating with the state's attorney's office to have criminal matters re-docketed for the purpose of the issuance of a written order of restitution after the dispositions have occurred.

Finally, the OVA was successful in securing funds held in an inmate's trust account that was actually money taken from the victim in the course of the crime. The police department logged the money in as "property" rather than evidence and the money was deposited in the inmate's trust account. In working in collaboration with the Department of Correction and the Office of the Public Defender, the OVA was able to put a freeze on the inmate's account until such time that an order of restitution could be secured. In an effort to resolve the matter in a favorable light, the inmate agreed to release the funds to the victim prior to the disposition of the criminal matter.

Victim compensation for certain delineated crimes involving injury can be sought through the Office of Victims Services, a Judicial Branch agency. The OVA assisted several crime victims in their appeals from denials of victim compensation administrated through OVS. Specifically the OVA attended the OVS victim compensation hearing and provided testimony on behalf of the victim who was initially denied victim compensation. In the end, the Commissioner overturned the denial and the victim was granted compensation for his therapy sessions. The OVA also assisted a guardian of a minor sexual assault victim and sexual assault victim in appealing their original denials

of victim compensation. In both cases the victims were successful in obtaining compensation for therapy, counseling and medical expenses.

The OVA has been working to address victim compensation in two areas (1) the form provided to the police involving victim compensation and (2) compensation for sexual victims. The crux of the issue is the opinion of OVS and OVS' Legal Department that an "inconclusive rape kit" and/or the lack of arrest, amount to an "unsubstantiated claim for compensation". This practice is a gross misinterpretation of the rape kit and the criminal justice system, which harms sexual assault victims. The OVA will continue to address these troubling practices.

Legislative Advocacy

Each year since its inception, the OVA has submitted legislative proposals to improve the delivery of services to victims of crime or to advance the rights of crime victims in our state. The OVA's legislative proposals stem directly from the OVA's interactions with crime victims and the systemic issues that the OVA has identified as problematic throughout the year.

Typically, the OVA's legislative proposals are submitted to the Judiciary Committee of the General Assembly for consideration. The OVA sought to amend the current victim notification laws C.G.S. §54-91c, to include an affirmative right that a crime victim be notified prior to a criminal matter being dismissed or Nolled through addition of an amendment during the legislative session. Although these efforts were unsuccessful, the OVA will continue to seek this legislative enhancement. During the 2011 legislative session, the OVA collaborated with the Speaker's Task Force on Domestic Violence and submitted several legislative proposals to the Task Force for consideration and inclusion in their legislative packet.

Legislative proposals supported by the Office of the Victim Advocate

Public Act No. 11-152 (House Bill 6629), An Act Concerning Domestic Violence

Section 1: Expands the conduct that can serve as the basis for a restraining order to include a pattern of verbal intimidation or threatening and one subjected to stalking.

Section 2: Specifies that a person of any age, in or have recently been in a dating relationship, qualifies as a family or household member for purposes of a family violence laws.

Section 3: Eliminates the dating relationship exception for law enforcement to immediately arrest, based upon speedy information, for a family violence crime. Additionally, the bill requires law enforcement to provide victims of domestic violence with contact information for regional family violence organizations that employ, or provide referrals to, counselors who are trained in providing trauma informed care. The bill defines trauma informed care as services directed by a thorough understanding of the neurological, biological, psychological and social effects of trauma and violence on a person.

Section 4: Public Act No. 10-43, in part, added family relations counselors, family relations counselor trainees and family services supervisors to the list of individuals required to report suspected abuse or neglect of a child to the Department of Children and Families (DCF). Section 4 makes several changes to the responsibilities of family relations counselors, family relations counselor trainees and family services supervisors, as mandated reporters, to disclose information to DCF, probation officers for preparation of the presentence investigation report and to any organization under contract with the Judicial Department for the purpose of determining program and service needs. Additionally, Section 4 requires the family violence intervention unit to make available appropriate services for victims that include the provision of trauma informed care by a counselor who provides trauma informed care or a referral to a counselor. Finally, Section 4 increases the fee for participation into the family violence education program.

Section 5: Expands the list of crimes for which a standing criminal protective order may issue to include a conviction of Risk of Injury, Aggravated Sexual Assault of a Minor and Sexual Assault 4th.

Section 6: Expands the list of people to include victims of domestic violence and members of their families for which the Office of Victim Services may order restitution services.

Section 7 & 8: Adds individuals appointed by the Commission on Child Protection, or by the court, as a guardian ad litem or attorney for a party in a neglect, abuse, termination of parental rights, delinquency or family with service needs proceeding to the list of state officers and employees that cannot be held personally liable for damages or injuries caused while discharging their duties or acting within the scope of their employment, unless their actions are reckless or malicious.

Section 9 & 10: Requires a person who is the subject of a restraining order, protective order, standing criminal protective order or foreign order of protection to surrender all firearms to the Commissioner of Public Safety or to sell it to a federally licensed firearms dealer within two business days.

Section 11, 12 & 13: Prohibits anyone listed as the protected person on a protective order, restraining order, standing criminal protective order or foreign order of protection from being held criminally liable for violating the order of protection or for conspiracy to violate the order of protection.

Section 14 & 15: Modifies the exceptions to the spousal privilege election in criminal proceedings, including testimony concerning confidential communications.

Section 16 & 17: Limits the solicitation by bail bond agents, insurers and professional bondsmen to post prominently their name, address and telephone number in designated locations of property, including prisons, detention centers and courthouses.

Section 18: Requires DCF to include the prevention, identification and effects of family violence in their staff development, training and education programs curriculum.

Section 19: Establishes a task force to evaluate the existing policies and procedures of law enforcement agencies when responding to incidents of family violence and violations of restraining and protective orders and to develop a statewide model policy for law enforcement agencies.

Section 20: Requires the Chief Court Administrator to study the principles and effectiveness of the pretrial family violence education program using results-based accountability and study the principles and effectiveness of Connecticut's domestic violence dockets and related contracted programs using results-based accountability, including the goals, fundamental elements, critical components and short and long term outcomes of the dockets and programs.

Public Act No. 11-47 (Senate Bill No. 1099), An Act Concerning the Unauthorized Taking or Transmission by First Responders of Images of Crime or Accident Victims.

The Bill establishes criminal penalties for the taking or transmission of photographic or digital images of the individual when first responders respond to a request to provide medical or other assistance to the individual.

Public Act No. 11-100 (House Bill No. 5795), An Act Concerning the Licensing and Record Keeping of Pawnbrokers, Secondhand Dealers and Precious Metals or Stones Dealers, the Retention of Certain Goods and Certain Fees Charged by Pawnbrokers.

The Bill makes numerous changes in the statutes governing pawnbrokers and dealers in precious metals and stones and creates additional requirements for pawnbrokers, including detailed record keeping of property received. The Bill will enable law enforcement to monitor and regulate pawnbrokers and other dealers as well as enhance law enforcement's investigation in cases of stolen items that are pawned or sold.

Public Act No. 11-102 (House Bill No. 6113), An Act Concerning the Investigation of Missing Adult Persons Reports.

The Bill requires state and local police to accept without delay any report of a missing adult and to notify all on duty police officers and appropriate law enforcement agencies. The Bill requires the State Police to enter all information collected on a missing adult in the National Crime Information Center and any other federal database. The Bill extends the deadline for the Police Officers Standards and Training Council to develop a missing person policy and extends the provisions to include police handling of missing adult reports and requires each police basic or review training program to include training in the policy and use of the National Missing and Unidentified Persons System. Finally, the Bill requires that in any death scene investigation in a suspected homicide case, the official with custody of the human remains must ensure that the remains are delivered to the Office of the Chief Medical Examiner to obtain samples of tissue, whole bone or hair suitable for DNA typing.

Public Act No. 11-232 (Senate Bill No. 1138), An Act Concerning the Strengthening of School Bullying Laws.

The Bill expands the types of conduct that constitute school bullying, including cyber bullying, and

the situations where it can occur. The Bill makes the school principal responsible for investigating and addressing bullying whether it occurs in or out of school, if it affects the school or students. The Bill also requires all school employees to report bullying incidents they see or that are reported to them. The Bill requires schools to adopt safe school climate plans to establish reporting deadlines, investigating and notifying parents about bullying incidents. Finally, the Bill requires annual training in how to identify, intervene and prevent bullying and suicide among students.

Public Act No. 11-45 (Senate Bill No. 28), An Act Concerning Surety Bail Bond Agents and Professional Bondsmen.

The Bill makes changes to and adds new requirements for surety bail bond agents and professional bail bondsmen. The Bill expands the licensing and appointment requirements and establishes solicitation, record retention and reporting standards. The Bill requires agents to certify under oath to the insurance commissioner that they charged the bond premium rates approved by the commissioner. The Bill provides the Commissioner of Insurance and the Commissioner of Public Safety with oversight and enforcement authority to regulate bond agents and professional bondsmen.

Legislative Proposal opposed by the Office of the Victim Advocate

In its monitoring of legislative proposals, the OVA learned of a proposed initiative contained within the three hundred eight page budget implementation bill (House Bill No. 6650). Sections 22-25 of Public Act No. 11-51 established a risk reduction earned credit program for convicted inmates. The program provides an opportunity for inmates to earn up to five days per month off the end of their sentence for participation in programming, work assignments and compliance with institutional rules. As first proposed, there were no identified crimes that would have rendered an inmate ineligible to earn such credits. The OVA quickly advocated for an amendment to limit the eligibility of such credits to inmates convicted of non-violent offenses. A provision was then added to specify that any inmate convicted of murder; felony murder, capital murder; arson murder; home invasion; and aggravated sexual assault first degree would not be eligible to participate in the risk reduction earned credit program. Although the OVA is appreciative that those specific offenses were added for exclusion of such credits, the OVA will continue to strongly advocate to expand the list of offenses to include, at minimum, all manslaughter offenses; all sexual assault offenses; all firearms offenses; and all offenses that involve the use, attempted use or threatened use of physical violence.

In addition, the application of risk reduction earned credits included a retroactive provision for an inmate sentenced to a term of imprisonment for a crime committed on or after October 1, 1994 for conduct occurring on or after April 1, 2006. This provision allowed inmates to reduce their sentence by three hundred days immediately, which caused a panic among the crime victim community.

Crime victims expressed concerns for immediate safety; fairness; and violation of their state

the risk reduction earned credit program, and as a result, requested information from the Department of Correction relating to the implementation of the risk reduction earned credit

program. Additionally, the OVA identified members of the General Assembly who shared in the concerns of the OVA and crime victims. The OVA will continue to monitor the implementation of the risk reduction earned credit program to ensure that such credits are being awarded appropriately by the Department of Correction.

Legislative Proposals that impact the Office of the Victim Advocate

Public Act No. 11-252 (House Bill No. 6344), An Act Concerning Eyewitness Identification

The Bill requires the Department of Public Safety and municipal police departments to adopt procedures for photo and live lineups that meet certain requirements by January 1, 2012. Additionally, the Bill creates a nineteen member Eyewitness Identification Task Force to study eyewitness identification in criminal investigations and the use of sequential live and photo lineups. The Victim Advocate is a member of the task force.

Public Act No. 11-48 (House Bill No. 6651), An Act Implementing Provisions of the Budget Concerning General Government (Sections 58, 59, 60, 68 & 69)

The Bill merges nine agencies, including the Office of the Victim Advocate (OVA), into one agency, the Office of Governmental Accountability (OGA). The OGA will provide personnel, payroll, affirmative action, administrative and business office functions and information technology to the nine merged agencies. However, the OVA will maintain the independent decision making authority of the office, including but not limited to decisions concerning budgetary issues and staff. The Bill also changes the member representation of the Advisory Committee to the Office of the Victim Advocate. The membership is reduced from twelve members to seven members and no member of the advisory committee shall be a person who is a lobbyist, volunteer, board member, or employed by any entity or agency subject to the review, evaluation or monitoring by the Victim Advocate. The Bill also changes the mandate of the Advisory Committee whose sole purpose is to recommend candidate to the Governor for the appointment of a State Victim Advocate if the position becomes vacant.

Future objectives

The Office of the Victim Advocate is dedicated to the advocacy of crime victims' rights, community awareness and continuing education. The OVA will continue to formulate and improve the in voicing the concerns of our crime victim communities and shedding light on their needs. In addition to our everyday battle, the OVA will also take the necessary steps needed to help improve Connecticut's Criminal Justice System and the services available to crime victims and their families.