

2017

OFFICE OF THE VICTIM ADVOCATE
ANNUAL REPORT
FISCAL YEAR 2017



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

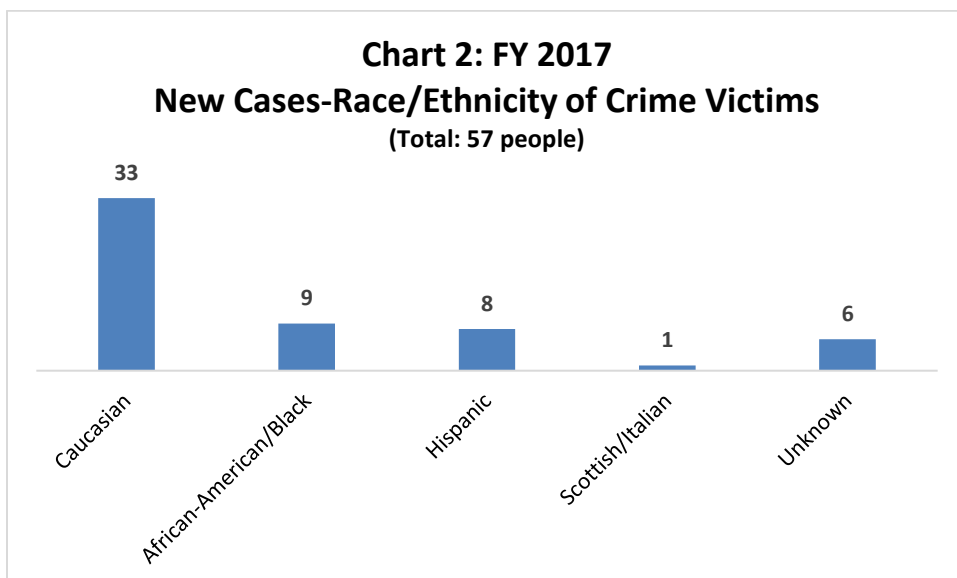
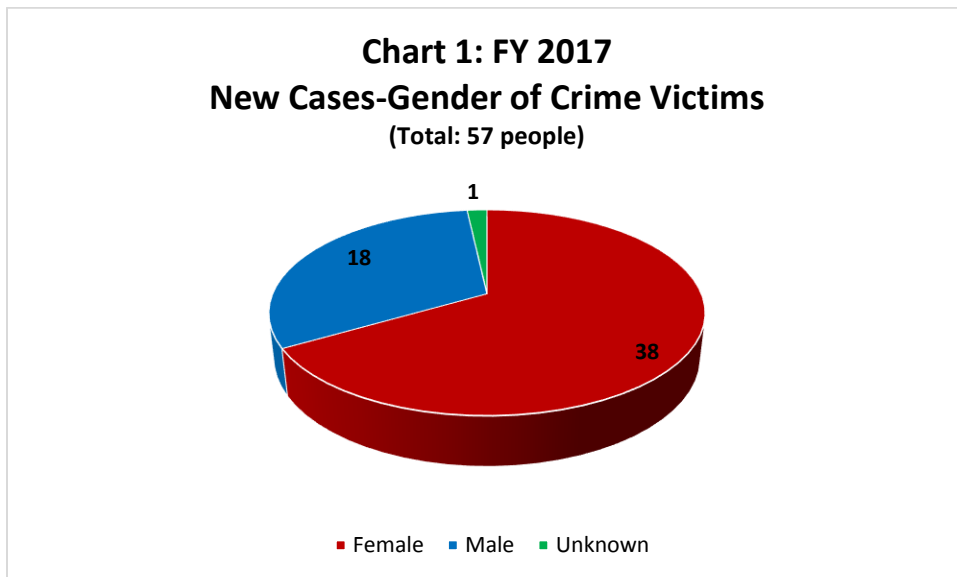
During the 2017 fiscal year (July 2016-June 2017), the OVA operated as a functional state agency committed to effectively and efficiently carrying out its statutory mandates.

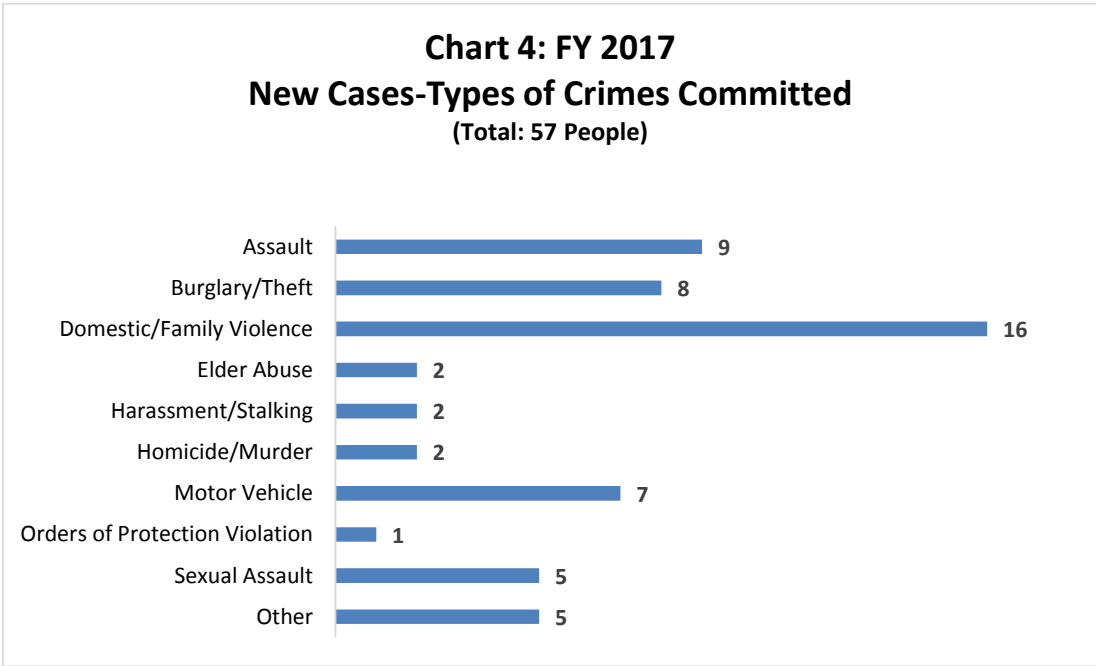
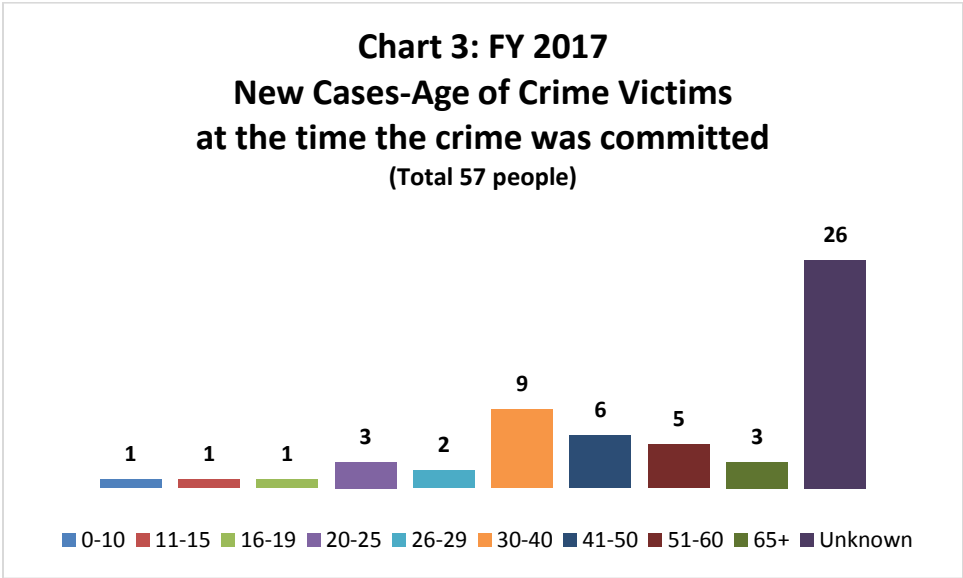
COMPLAINT/INTAKE ACTIVITY ►

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 over 600 calls and opened 57 new cases, resulting in 104 open cases at the end of the fiscal year.

DEMOGRAPHICS ►

In the newly opened cases, clients self-reported the demographics and crime information included in Charts 1 to 4 below.





REFERRALS

The OVA referred callers to service providers or State agencies, as follows: Board of Pardon and Paroles, Chief Public Defender, Commission on Human Rights and Opportunities, Connecticut Alliance to End Sexual Violence, Connecticut Bar Association, Connecticut Coalition Against Domestic Violence, Connecticut Corruption Taskforce, Connecticut Innocence Project, Connecticut Legal Services, Court Support Services Division, Department of Aging, Department of Children and Families, Department of Consumer Protection, Department of Correction, Department of Emergency Services & Public Protection, Department of Labor, Department of Motor Vehicle, Department of Social Services, Division of Criminal Justice, ID Theft Federal Trade Commission, Mothers Against Drunk Driving, National Alliance on Mental Illness, National Crime Victims Bar, Office of Adult Probation, Office of the Child Advocate, Office of the Healthcare Advocate, Office of Victim Services, Survivors of Homicide, State’s Attorney’s offices, U.S. Department of Education,

US Department of Justice, Victim Rights Center of Connecticut, Inc., and the Witness Protection Program.

ADVOCACY ►

OVA staff accompanied clients to multiple court 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.

To address systemic issues raised by victims, the OVA has worked with the Judicial Branch and several local law enforcement agencies to address recurring issues, such as restitution, retrieval of property, and information requests.

Additionally, the OVA has maintained a webpage to educate crime victims of potential hearing dates for juvenile offenders impacted by the U.S. Supreme Court decisions *Graham v. Florida* (2010) and *Miller v. Alabama* (2012).

APPOINTMENTS ►

The State Victim Advocate is appointed to the following boards or commissions to address the needs and concerns of crime victims: Connecticut Sentencing Commission, Criminal Information Sharing System, Criminal Justice Information System Governing Committee, Criminal Justice Policy Advisory Commission, Eye Witness Identification Task Force, Family Violence Governing Council, Governor's Task Force on Justice for Abused Children, Juvenile Justice Policy & Oversight Commission, Racial and Ethnic Disparity Council, and the Trafficking in Persons Council.

COLLABORATIONS ►

The OVA staff participated in the Community Renewal Team's annual "Tee off With Women to End Domestic Violence" Golf Classic, and the VOICES Program at MacDougall-Walker Correctional institution.



*OVA at the CRT Tee Off With Women to End Domestic Violence
(L-R) Merit Lajoie, Vanessa Torres, and Natasha M. Pierre*

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 bills and submitted testimony on 30 bills before the Appropriations, Children, Insurance & Real Estate, Judiciary, Public Safety and Security, and Transportation Committees.

The Office of the Victim Advocate submitted the following legislative proposals to address the constitutional rights of crime victims. Although the bill was passed, the language was substituted to address other criminal justice reforms, rather than the constitutional rights of crime victims.

AN ACT CONCERNING A VICTIM'S RIGHT TO BE REASONABLY PROTECTED FROM THE ACCUSED (SB 980)

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.

Section 4 Purpose: Provide employment protection to victims when any order of protection has been issued by the court.



OVA at the Capitol (L-R) Representative Len Suñiz, OVA intern Shantel Doss, OVA staff Vanessa Torres, and Representative William Petit

Below is a listing of new laws that will directly impact crime victims:

PUBLIC ACT NO. 17-24, AN ACT CONCERNING INTIMIDATING A WITNESS (SENATE BILL NO. 980, EFF 10/1/2017)

Increases the penalty for intimidating a witness from a class C felony to a class B felony.

PUBLIC ACT NO. 17-31, AN ACT CONCERNING STRENGTHENING LAWS CONCERNING DOMESTIC VIOLENCE (HOUSE BILL NO. 7299, EFF 10/1/2017)

Expands the conduct that constitutes stalking to include conduct that causes a reasonable person to suffer “emotional distress.” Specifies that 1st or 2nd degree stalking may occur through the use of electronic or social media. Broadens the strangulation statutes to include suffocation that occurs when a person obstructs another person’s nose or mouth. Increases the penalty for violating conditions of release when the violation involves certain conduct. Requires a presentence investigation for anyone convicted of a family violence felony for which a prison sentence may be imposed and prohibits a defendant from waiving the investigation.

PUBLIC ACT NO. 17-32, AN ACT CONCERNING HUMAN TRAFFICKING (HOUSE BILL NO. 7309, EFF 10/1/2017)

Increases the membership and expands the charge of the Trafficking in Persons Council. Expands the type of conduct punishable as a trafficking in persons crime and increases the penalty. Reduces the penalty for patronizing a prostitute when the victim is a trafficking victim. Creates a new crime of commercial sexual abuse of a minor. Requires the Department of Children and Families to consult with the Department of Emergency Services and Public Protection in developing an educational and refresher training program related to human trafficking.

PUBLIC ACT NO. 17-87, AN ACT CONCERNING REVISIONS TO VARIOUS STATUES CONCERNING THE CRIMINAL JUSTICE SYSTEM (SENATE BILL NO. 1003, EFF 10/1/2017)

Increases the civil judgment duration of an order of restitution from 10 years to 20 years, consistent with all other civil judgments. Adds spousal sexual assault to the confidentiality provisions regarding identifying information.

PUBLIC ACT NO. 17-99, AN ACT CONCERNING COURT OPERATIONS, VICTIM SERVICES, FRAUDULENT FILINGS AND TRANSFERS OF AN INTEREST IN REAL PROPERTY TO A TRUST (HOUSE BILL NO. 7198, EFF 10/1/2017)

Expands the powers and duties of the Office of Victim Services (OVS). Creates a new process for victims seeking enforcement of financial restitution orders. Makes more victims eligible for victim compensation from OVS by expanding injuries, crimes and situations under which a victim may qualify for compensation. Allows OVA to waive consideration of available health insurance when determining victim compensation and requires health care providers to suspend debt collection from victims in certain circumstances. Expands the availability of civil protection orders to certain stalking victims. Expands victims’ access to juvenile records.

PUBLIC ACT NO. 17-111, AN ACT CONCERNING HATE CRIMES (HOUSE BILL 5743, EFF 10/1/2017)

Increases the penalty for 1st and 2nd degree threatening when the threat affects a house of worship, religiously-affiliated community center or day care center. Increases the penalty for 3rd degree intimidation based on bigotry or bias from a class A misdemeanor to a class E felony. Enhances the penalty for desecration of a house of religious worship. Imposes minimum fines for certain hate crimes. Replaces the Hate Crimes Advisory Committee with a new State-Wide Hate Crimes Advisory Council within the Office of the Chief State’s Attorney.

PUBLIC ACT NO. 17-129, AN ACT CONCERNING THE RECEIPT OF ANNUAL REPORTS ON ANTI-HUMAN TRAFFICKING FROM LAW ENFORCEMENT AGENCIES (SENATE BILL NO. 930, EFF 10/1/2017)

Requires the Chief State's Attorney and each municipal police chief to annually report on anti-human trafficking efforts to the Trafficking in Persons Council.

PUBLIC ACT NO. 17-145, AN ACT CONCERNING PRETRIAL JUSTICE REFORM (HOUSE BILL NO. 7044, EFF 7/1/2017)

Prohibits courts from requiring cash-only bail for certain offenses, and requires the court to remove financial conditions of release unless the court makes certain finding. It also limits the circumstances in which a court can impose financial conditions of release for someone who is charged solely with a misdemeanor that is not a family violence crime. Requires a bail review hearing for defendants who are charged with a misdemeanor and cannot make bail within 14 days of arraignment rather than 30 days.

PUBLIC ACT NO. 17-185, AN ACT CONCERNING THE PROVISION OF INFORMATION ABOUT THE USE OF THERAPY DOGS TO COMFORT AND SUPPORT TESTIFYING WITNESSES IN CERTAIN CRIMINAL PROSECUTIONS (HOUSE BILL NO. 6999, EFF 10/1/2017)

Requires the Judicial Branch to maintain information on its website regarding the use of a dog to provide comfort and support to a testifying witness in certain criminal prosecutions.

PUBLIC ACT NO. 17-179, AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES' RECOMMENDATIONS REGARDING TRANSFER OF A PATIENT UNDER THE JURISDICTION OF THE PSYCHIATRIC SECURITY REVIEW BOARD FOR TREATMENT OR RECOVERY (HOUSE BILL NO. 7090, EFF 10/1/2017)

Ensures that an acquittee's custody conditions at a hospital or emergency room are equivalent to those of maximum security confinement. Provides immediate written justification to the Psychiatric Security Review Board upon the transfer of an acquittee. Transfers the acquittee back to the maximum security setting after the medical treatment is completed.

PUBLIC ACT NO. 17-205, AN ACT ESTABLISHING A PILOT PROGRAM TO PROVIDE ENHANCED COMMUNITY SERVICES TO THOSE IN THE CRIMINAL JUSTICE SYSTEM (SENATE BILL NO. 1022, EFF 10/1/2017)

Requires the Chief State's Attorney to establish a pilot program to serve Hartford, New Haven, New London and Norwich in identifying and tracking the homeless, drug addicted or mentally ill persons entering the criminal justice system.

PUBLIC ACT NO. 17-217, AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO VICTIM NOTIFICATION (HOUSE BILL NO. 7262, EFF 10/1/2017)

Requires the court to make more information available to crime victims about sentencing and proposed plea bargains. Requires the Department of Correction to make general offender sentencing information available to the public.

PUBLIC OUTREACH AND EDUCATION ►

The OVA presented at several events reaching over 1,200 individuals. These educational events were held by community organizations, senior center community centers, and universities. The OVA also conducted a social media campaign to highlight Missing Persons Day.



OVA in the Community - Haddam Senior Expo

The OVA held a Legislative Breakfast to educate new and incumbent legislators about the agency and crime victims' legislative concerns. Additionally the State Victim Advocate met with legislators, victim advocacy groups, and other public agency officials to provide outreach and education in targeted areas throughout the state.

During the National Crime Victims' Rights Week, the OVA provided information about crime victims' rights, resources and services in the Legislative Office Building concourse in Hartford, cosponsored the Melanie Rieger Crime Victim Rights Symposium, and participated in the Connecticut Alliance to End Sexual Violence's press conference in recognition of Sexual Assault Awareness month.

The OVA continued to maintain print and electronic materials, including a newsletter, a website, Facebook, Twitter, and brochures for distribution to the public, the judicial branch and law enforcement agencies.





A Guide for Victims of Crime

What you need to know

The graphic includes a collage of images: a woman in a red graduation cap, a woman with a hand to her face, a building labeled 'LAW AND JUSTICE', a group of people, a woman on a phone, a woman looking thoughtful, and a document with a red seal. The OVA logo is also present.

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.



The Office of the Victim Advocate
505 Hudson Street, Hartford, CT 06106
(860) 550-6632 or 888-771-3126 (toll free within Connecticut),
Email at ova.info@ct.gov
Web: www.ct.gov/ova

