

# Speaker's Bureau: Advocating in Communities

“Turning tragedy into triumph”

# Introduction

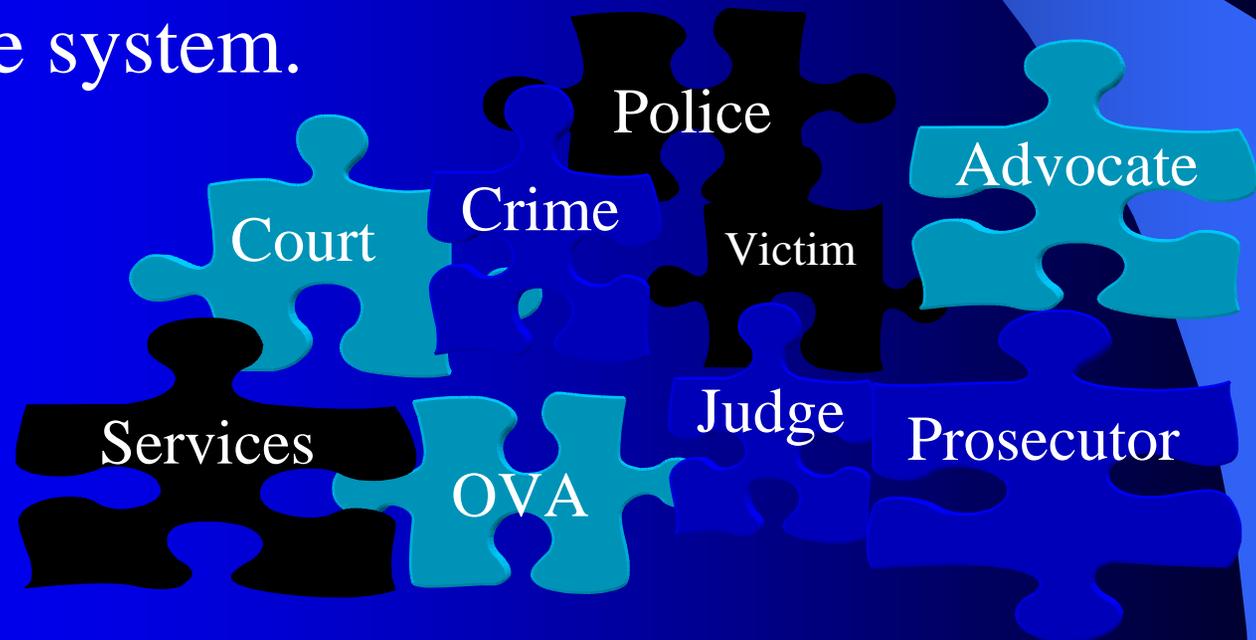
- Crime victims' rights in Connecticut
- Office of the Victim Advocate
- Criminal Justice Process
  - Investigation through post-conviction
- The value of the crime victim's voice
- Mission of the Speaker's Bureau
  - Strengthen victims' rights movement
  - Educate crime victims
  - Support crime victims
  - Educate the community

# Agenda

- Crime Victims' Rights in Connecticut
  1. Victims' Rights Constitutional Amendment
  2. Creation of the Office of the Victim Advocate
- Criminal Justice Process
  1. Investigation
  2. Arrest and Prosecution
  3. Conviction
  4. Post Conviction
- The Value of your personal story
  1. Community awareness
  2. State-wide advocacy
  3. Victims' voices being heard

# Overview

- Knowledge is the #1 tool that can assist crime victims to successfully and effectively participate within the criminal justice system.



# Vocabulary

- “Victim of Crime” or “Crime Victim”
- “Plea Agreement” or “Plea Bargain”
- “Nolo contendere” or “Alford Plea”
- “Nolle” - “Dismissal” – “Diversion”
- “Compensation” vs. “Restitution”
- Impact Statement
- Plea vs. Sentencing

# Vocabulary (cont.)

- Orders of protection
  - Restraining order vs. protective order
  - Foreign order of protection
  - Standing criminal protective order
- Pre-trial vs. Judicial pre-trial
- “Habeas” appeal
  - Limits
  - Victim’s role
  - Legislation

# Crime Victims' Rights in CT

- In November of 1996, the citizens of CT voted overwhelmingly to amend the state constitution to provide crime victims with constitutional rights throughout the criminal justice process.
- Advisement of rights to crime victims at the opening of court each day
- Orders of restitution
- Expanded protection for crime victims

# 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;
  - Issuance of a protective order
  - Conditions of Release
- 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;

# CONSTITUTION of the STATE of CONNECTICUT

## Article XXIX - Rights of Victims of Crime (cont.)

- 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;
  - Written order of restitution
- 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.

# How have the constitutional rights of crime victims changed the system?

- Advisement of constitutional rights at the opening of court every day
- Victims' rights vs. Defendants' rights
- Think “outside of the box”
- Knowledge is power
- Grievance procedures
  - Judge
  - Prosecutor
  - Defense attorney

# Office of the Victim Advocate

- The creation of the OVA
- The OVA procedures
- Violation of crime victims' rights
- Investigations
- Advisory Committee Meetings
- Legislation
- Quarterly Newsletter

# Criminal Justice Process

- Investigation

- Police

- Fluid communication with victim
- Cooperation with investigation
- Property taken by police
- Availability of records
- Information at time of the arrest for victim
  - Name of defendant
  - First court date
  - Safety planning

- Investigator at the State's Attorney Office

- Continue further investigation if needed
- Assist prosecutor
- Informally provides services to victims

# Criminal Justice Process (cont.)

- Arrest and Prosecution

- Arraignment

- Bail/Bond
- Conditions of release
- Order of protection

- “Program eligibility”

- Notice to victim

- Pre-trial vs. Judicial pre-trial

- Plea agreement (97% of cases)
- Defendant can seek a plea up and until a jury returns a verdict

# Criminal Justice Process (cont.)

- Trial (3% of cases)
  - Motions
  - Jury selection – Why CT is different
  - Evidence / Testimony
  - Sequestration and the crime victim
  - Medical examiner / photographs
  - Capital felony cases
    - Victim input after verdict

# Criminal Justice Process (cont.)

- Conviction

- Sentence

- Pre-sentence Investigation Report (PSI)
- Transcripts
- Understanding the sentence
  - Definite sentence / Indefinite sentence
  - Mandatory minimum
  - Split sentence
  - Suspended sentence
  - Court ordered conditions
  - 50% / 75% / 85% of sentence to serve

# Criminal Justice Process (cont.)

- Post-Conviction
  - Notification of status of inmate
    - VINE System (slated for August 2010)
      - Statewide Automated Victim Information and Notification System
    - DOC / OVS Notification programs
  - Appellate Process
  - Early release
    - Half-way house release
    - Re-entry furlough
    - Transitional supervision
  - Parole
    - Discretionary
    - Victim's role at the parole hearing
    - Parole decision – What does the Parole Board take into account?
    - Can someone be denied parole and still be released to a half-way house?

# Criminal Justice Process (cont.)

- Post-Conviction (continued)
  - Special parole
    - Court ordered
  - Sentence Review / Modification
    - Notice to victim
  - Probation
    - Court ordered
    - Early Termination of probation
  - Pardon

# Cold cases / Missing persons

- Media is a tool
- Immediate report of missing person to police
  - Myth about waiting 24 hours
- OVA can assist with obtaining reward money
- OVA can assist with victim-police communication

# Tools for victim participation in the criminal justice system

CT is an “opt-in” system! Victims must take certain steps to be included in the criminal justice process and informed

- Register for notification of status of inmate
  - Pre-conviction- DOC
  - Post-conviction – DOC & OVS
    - Release (transitional; re-entry; end of sentence; half-way house)
    - Parole hearing
    - Death
    - Re-incarceration after release
- Letter to court to assert rights
  - Always reference docket # and defendant name
  - Written order of restitution, if applicable
- Available services
  - Counseling
  - Compensation, if applicable
  - Court advocacy

# Tools for victim participation in the criminal justice system (cont.)

- Impact statement
  - Photo's / DVD presentation
  - Written impact statement; why it's important
    - Label each section (emotional; physical; financial)
  - Sentencing options
    - Jail
    - Order of protection
      - No contact with children under a certain age in sexual abuse cases
      - No third party contact / No blogs
    - Written order of restitution (civil judgment)
    - Mental health evaluation/treatment/counseling
    - Substance abuse evaluation/treatment / random screens
    - Anger management/domestic violence program/counseling
    - Zero tolerance / Daily reporting with probation
    - GPS monitoring / House arrest
    - Charitable contribution / Community service (ex. brain injury)
    - Maintain full-time employment
    - Cooperate with the Dept. of Children & Families
    - Written letter of apology

# Core Victim Service Providers

- Office of Victim Services (OVS), Judicial Branch
- Mothers Against Drunk Driving (MADD)
- Connecticut Coalition Against Domestic Violence (CCADV)
- Connecticut Sexual Assault Crisis Services (CONNSACS)
- Survivors of Homicide (SOH)

# Office of the Victim Advocate (OVA) vs. Office of Victim Services (OVS)

- OVS
  - Post-conviction notification
  - Court advocacy
  - Compensation
    - Physical injury – up to \$15,000
    - Death – up to \$25,000
      - Burial expenses – up to \$5,000
      - Loss of support
  - Counseling services
    - Information
    - Referrals

# The Value of your personal story

- Speaker's Bureau
- Talk about Victims' Rights
- Awareness of community events
- Attend relevant public meetings
- Attend relevant legislative events
- Monitor courts
- Newsletter
- VOICES program

# Who to turn to for questions or concerns?

Office of the Victim Advocate

505 Hudson Street

Hartford, CT 06106

Toll free in CT 888-771-3126

Local 860-550-6632

[www.ova.state.ct.us](http://www.ova.state.ct.us)

# Others to turn to for systemic or other issues

- Office of the Victim Advocate
- Media
  - Keep your story alive
  - Internet
    - Establish a website
- Local legislators
  - State Senators
  - State Representatives
  - Public hearings
  - Governor
    - Reward money