

# The Office of the Victim Advocate



Garvin G. Ambrose, Esq., State Victim Advocate

# History



1996: Passage of the Victims' Rights Amendment to the Constitution of the State of CT

- Provides crime victims with a participatory role throughout the criminal justice process

*What happens if a crime victim's rights are violated?*

1998: Creation of the Office of the Victim Advocate

- Enforcement agency for the protection and promotion of the Constitutional rights of crime victims
- Modeled after the Office of the Child Advocate

# *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.*

# What do the Constitutional rights mean?



## Rights to be treated fairly

- To be treated fairly and with respect
- To be reasonably protected
- To a timely disposition of the case
- Restitution

## Rights to be informed

- Notification of court proceedings
- Information about the arrest, conviction, sentence, imprisonment and release of offender

## Rights to participate in process

- Communicate with prosecution
- Attend court proceedings
- Object to or support any plea agreement
- Address the court at plea and at sentencing

# What the Constitutional rights DON'T mean



## Treatment

- Victims do not dictate the progress of the criminal justice process
- Victim rights do not “trump” defendant rights

## Participation

- Victims do not possess VETO power over plea agreements or dispositions
- Victims are not a “party” in the criminal matter (State v. defendant)

## Enforcement

- Violation of a victim’s right is not a basis for vacating a conviction
- Victims cannot appeal a conviction or sentence

# Who is a crime victim?



**C.G.S. § 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.

## **For purposes of the Office of the Victim Advocate**

|   |   |   |
|---|---|---|
| <p><b>Office of Victim Services; C.G.S. § 54-201:</b></p> <p>A person who is injured or killed as provided in section 54-209.</p> <p><b>For purposes of victim compensation</b></p> | <p><b>Department of Correction; C.G.S. § 18-81e:</b></p> <p>For the purposes of this section, "victim" includes the legal representative of the victim or a member of the deceased victim's immediate family.</p> <p><b>For purposes of notification of an inmate's release</b></p> | <p><b>Board of Pardons and Paroles; C.G.S. § 54-126a:</b></p> <p>For the purposes of this section, "victim" means a person who is a victim of a crime, the legal representative of such person, a member of a deceased victim's immediate family or a person designated by a deceased victim in accordance with section 1-56r.</p> <p><b>For purposes of participation at parole hearings</b></p> |
|---|---|---|

# Introduction to the Office of the Victim Advocate (OVA)



# OVA STAFF



State Victim Advocate,  
Garvin G. Ambrose, Esq.

Staff  
Attorney,  
Hakima Bey-  
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Complaint  
Officer,  
Merit Lajoie

Outreach  
and  
Education  
Project  
Manager,  
Laura Stefon

Secretary,  
Vanessa  
Deleon



# Statutory responsibilities

## Connecticut General Statutes Section 46a-13c



- Evaluate the delivery of services to victims
- Coordinate and cooperate with public and private entities
- Review the procedures established by public or private entities
- Receive and review complaints
- Conduct investigation when necessary
- File limited special appearance
- Ensure a centralized location for victim services information
- Recommend changes in state policy or legislation
- Conduct programs of public education and outreach
- Monitor the services provided by the Witness Protection Program

# OVA in Action



## Evaluate the delivery of services to victims

Coordinate and cooperate with public and private entities

Review the procedures established by public and private entities

Monitor the services provided by the Office of the Chief Medical Examiner & the Witness Protection Program

## Receive and Review complaints (Victim rights enforcement)

Conduct investigation when necessary

Identify gaps in services

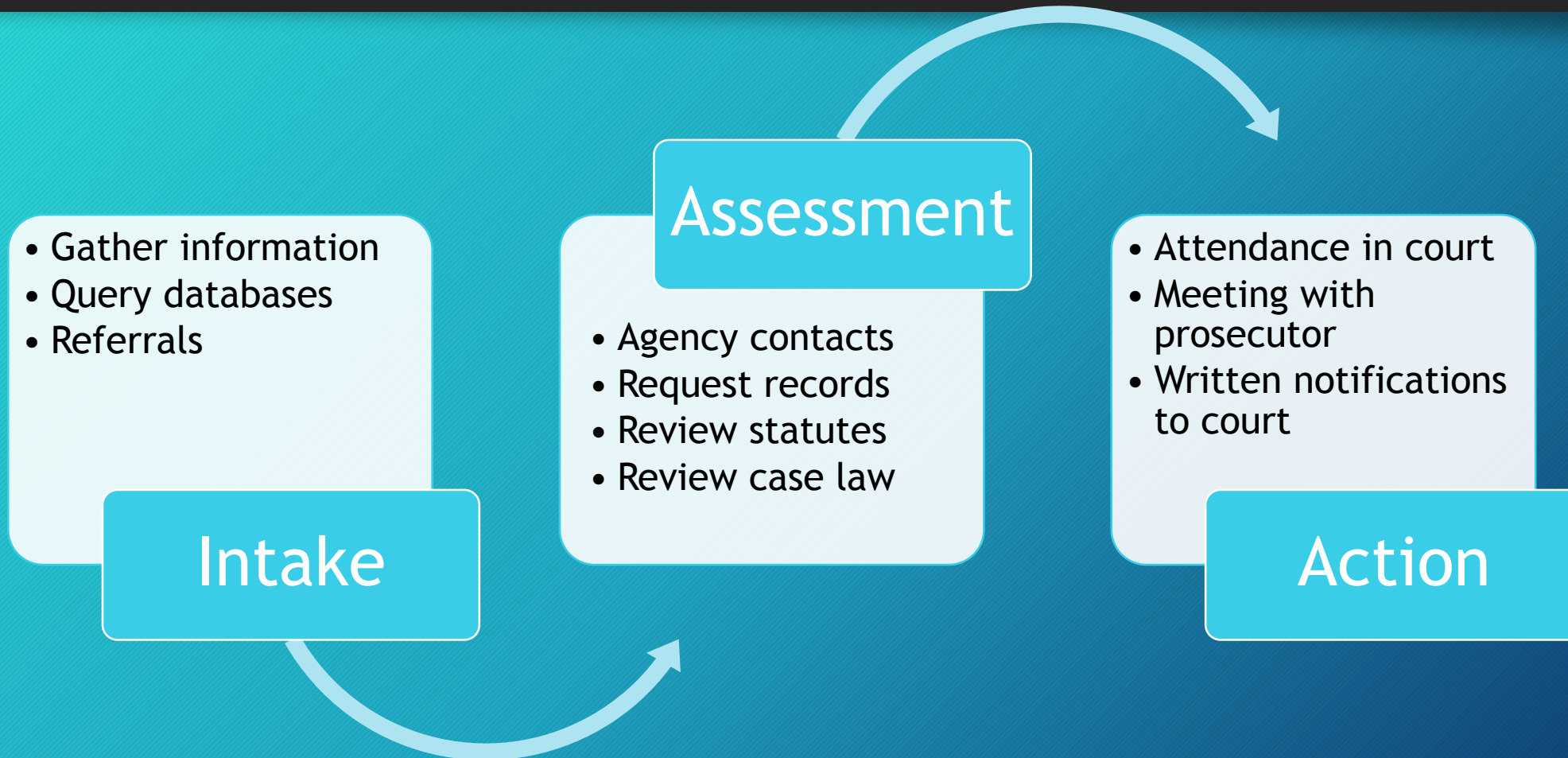
File a limited special appearance

## Conduct programs of public education and outreach

Recommend changes in state policy or legislation

Ensure a centralized location for victim services information

# OVA in Action



# Victim files complaint: Restitution



## Intake

Gather information:  
Defendant name;  
Status of criminal  
matter

Query databases:  
Judicial website;  
pending/conviction  
case information

## Assessment

Contact prosecutor,  
victim advocate  
and/or probation

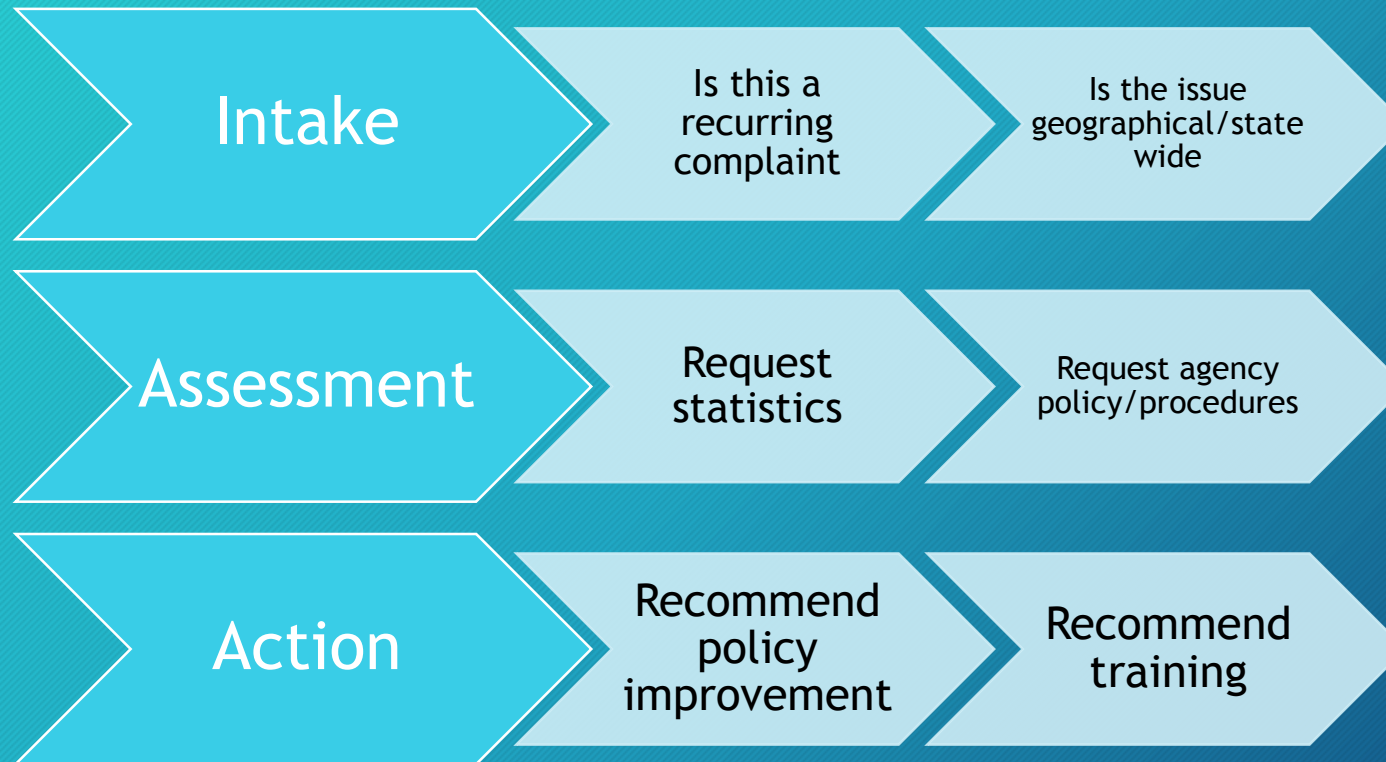
Request court  
records; View  
transcripts

## Action

Send written  
notification to court  
on behalf of victim

Attend court  
proceedings to  
advocate for  
victim's right

# OVA in Action: Systemic Issues



# CT's Victim Services Delivery System



# The Office of Victim Services, Judicial Branch (OVS)

Lead agency that provides the direct services



## Victim Services Advocate

- Must prioritize cases that involve physical injury or death
- Duties are statutorily defined
- Total of 45 criminal courts yet there are only 28 Victim Services advocates
- Contracts with the CT Coalition Against Domestic Violence (CCADV) for family violence victim advocates
- Referrals for services, such as counseling

## Compensation

- Application process
- Limited to certain expenses, including medical/dental reimbursement and funeral expenses
- Payer of last resort
- Does not compensate for property loss

## Notification

- Statewide Automated Victim Information and Notification System (SAVIN) provides notification of pending criminal case information
- Toll-free helpline
- Post-conviction notification of inmate status to registered victims
- Clearinghouse for victim information
- Referral to community services

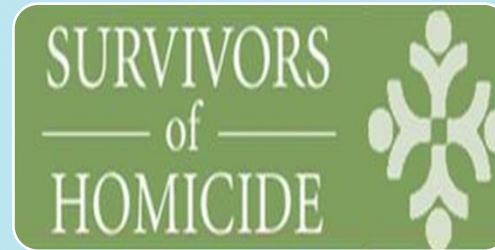
# Four core non-profit victim service entities



Assist victims  
of domestic  
violence



Assist victims  
of drunk  
driving



Assist surviving  
family  
members of  
victims of  
homicide



Assist victims  
of sexual  
assault



# Other state agencies



## Department of Correction, Victim Services Unit

- Notification of inmate status (pre and post conviction)

## Department of Children and Families

- Any crime committed against a child or a child present
- Office of the Child Advocate

## Department of Consumer Protection

- Crime related to a service provided by a person or business licensed with the state

## Office of Protection & Advocacy for Persons with Disabilities

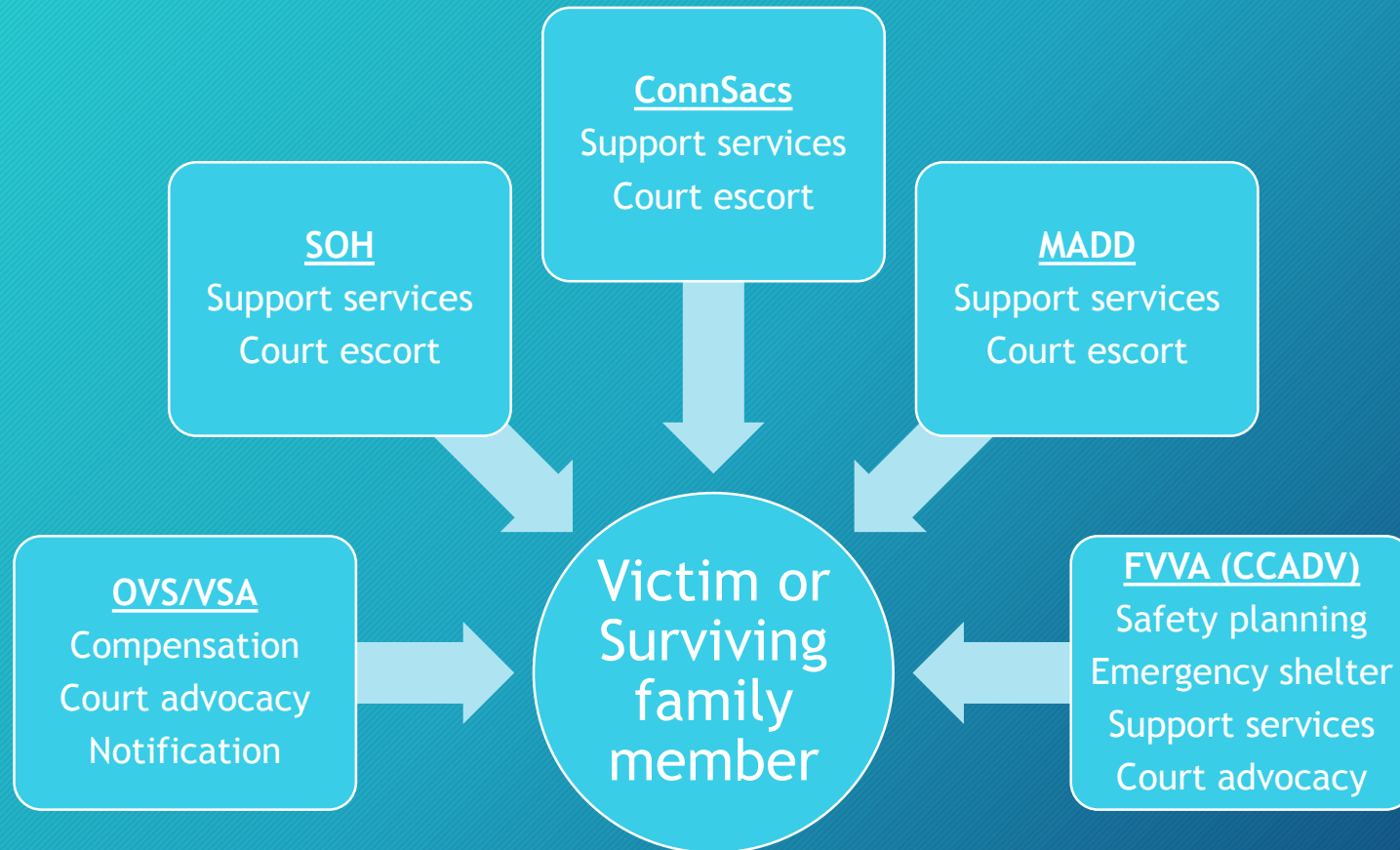
## Department of Public Health

- Crime committed by a licensed professional

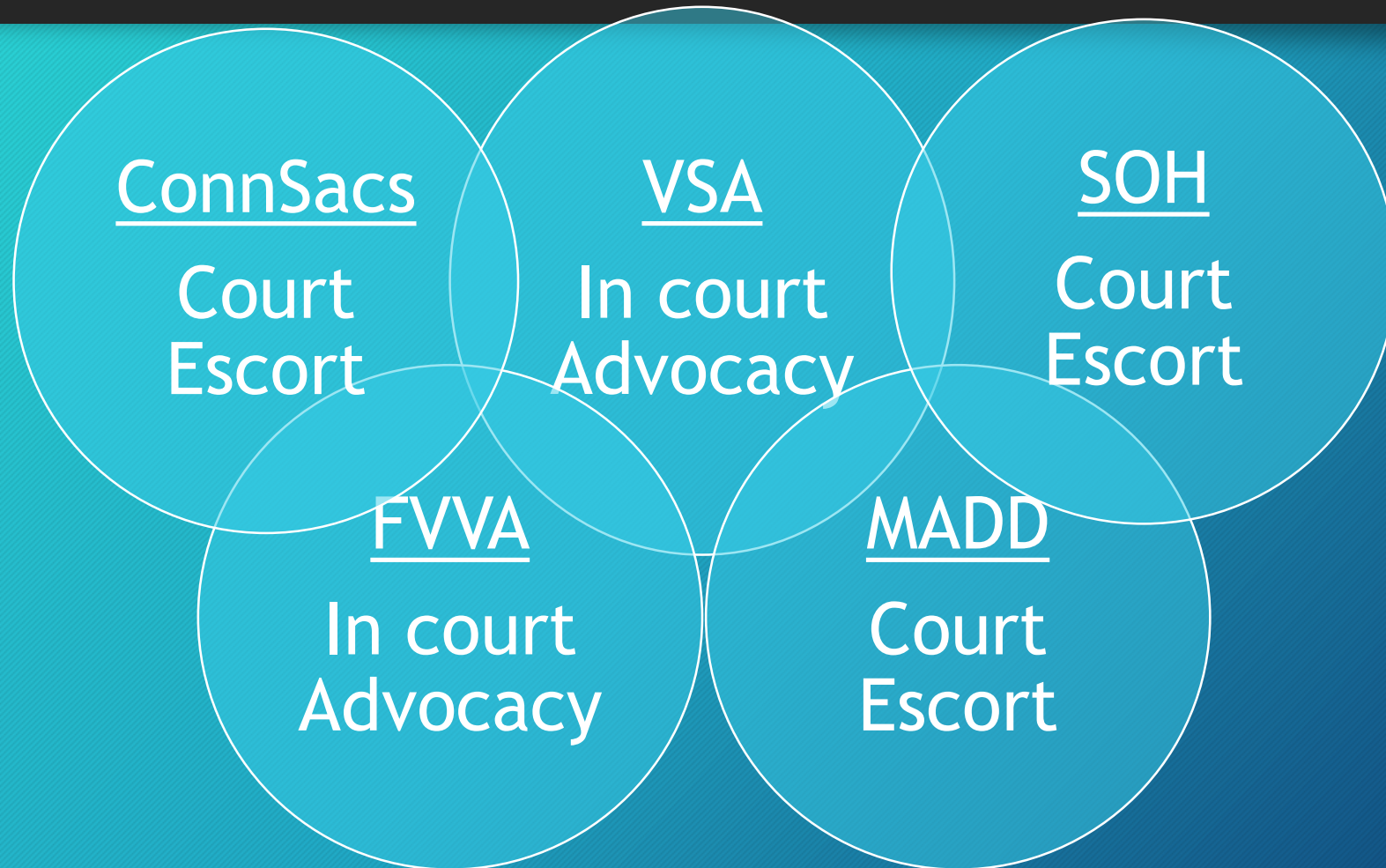
## Office of the Chief Medical Examiner

- Autopsy records/death certificates

# Victim centered approach



# Overlap of services



# Example: Victim of domestic violence murdered by estranged husband



**VSA**

- Court Advocacy
- Compensation
- Notification

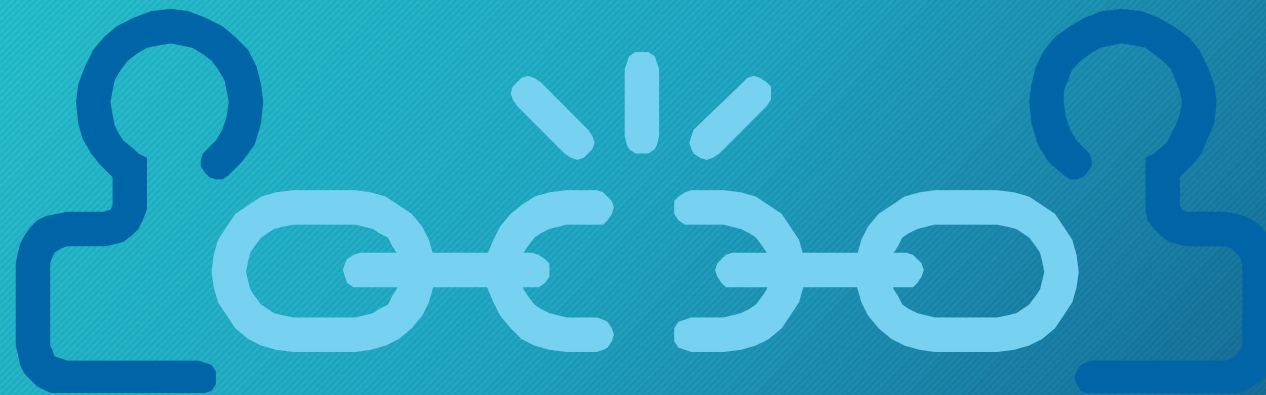
**FVVA**

- Safety planning
- DV services
- Support services

**SOH**

- Support group
- Court escort

# How does the OVA fit in?



# OVA intervention



## Types of complaints

- Lack of Notification
- Delay in progress of investigation or criminal case
- Lack of protection
- Plea agreements
- Lack of information
- Denial of services

## Types of intervention

- Notification of rights
- Improve communication
- Referrals to direct services
- Education of criminal justice process
- Investigate
- Court advocacy



# Surviving family of drunk driving homicide

- Referred by the OVS/VSA
- Met with family to discuss complaint (July 2009)
- Arrested for Manslaughter 2<sup>nd</sup> w/ MV and DUI in January of 2007
- Criminal matter consistently continued without explanation
- Determined that the defense attorney had been disbarred in May of 2009
  - Unknown to Court and State's Attorney
- Meeting with State's Attorney, victim advocates and surviving family
- Prepared with motion to move case forward (timely disposition)

# Complaint: Working together



VSA

- Notification
- Court advocacy

MADD

- Support services
- Court escort

OVA

- Meeting with prosecutor
- Assert victim's rights



# Resolution of complaint



- State's Attorney filed motion for timely disposition
  - Inform court of status of defense attorney
  - Victims' Right to timely disposition
- New prosecutor assigned
  - Improved communication with victim's family
- Education on criminal justice process
  - New defense attorney assigned
  - Plea agreement negotiated
- Court advocacy
  - Attendance in court with victims
  - Case resolved December 2009 through plea agreement

# OVS or OVA?



# Difference between OVS and OVA



## OVS: Direct Services



## OVA: Oversight and Enforcement



# OVS or OVA?



OVS: Front line workers



OVA: Problem solvers

# Who are you going to call?



## Complaint

- Cold case- no arrest yet
- Inmate's early release
- Sex offender registration
- Law enforcement lack of enforcement of restraining order
- Son is bullied at school
- Complaint about victim advocate
- Elderly victims of identify theft
- Medical expenses from drunk driver
- I need a restraining order

## OVS

Complaint about victim advocate

Medical expenses from drunk driver

Restraining order applications are made in family court.

## OVA

- Cold case- no arrest yet
- Inmate's early release
- Sex offender registration
- Law enforcement lack of enforcement of restraining order
- Son is bullied at school
- Elderly victims of identify theft

# OVA: THE BIG PICTURE



## PRESENT VICTIM (resolve complaint)

- Document complaint
- Attend court or other proceedings
- File appearance/ motion
- Meet with criminal justice professionals
- Provide appropriate referrals and information
- Provide information about crime victims' rights and criminal justice system

## SYSTEMIC (prevention)

- Request data
- Research
- Inquiry/Investigation
- Identify gaps in services
- Policy/Legislative change
- Training/education
- Task forces/Commissions
- MOU's with agencies

# Questions?



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