

2021

OFFICE OF THE VICTIM ADVOCATE ANNUAL REPORT FISCAL YEARS 2020 & 2021



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

*Submitted, as statutorily mandated to the
Governor of the State of Connecticut, and to the
members of the Connecticut General Assembly.
August 11, 2021*



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 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 (C.G.S. §46a-13b). 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

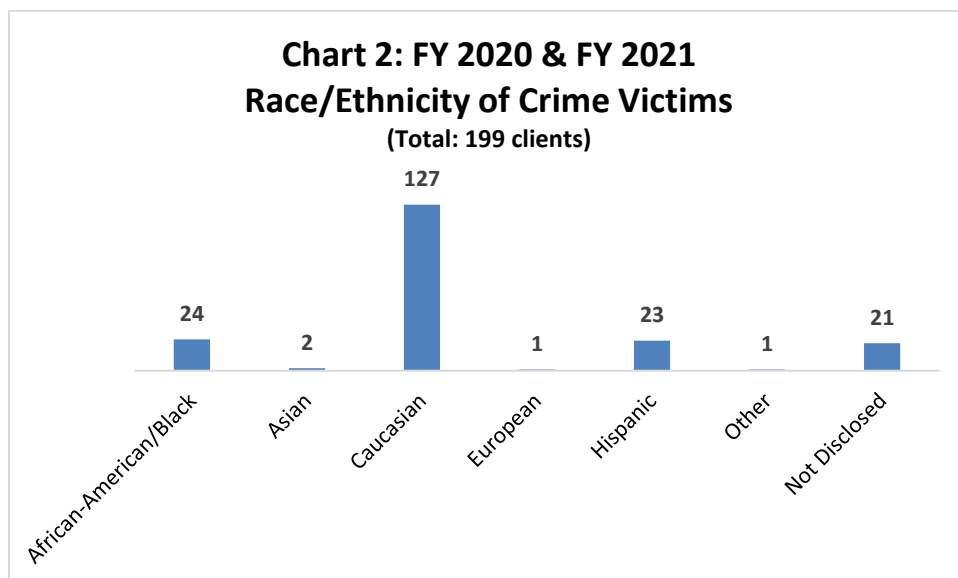
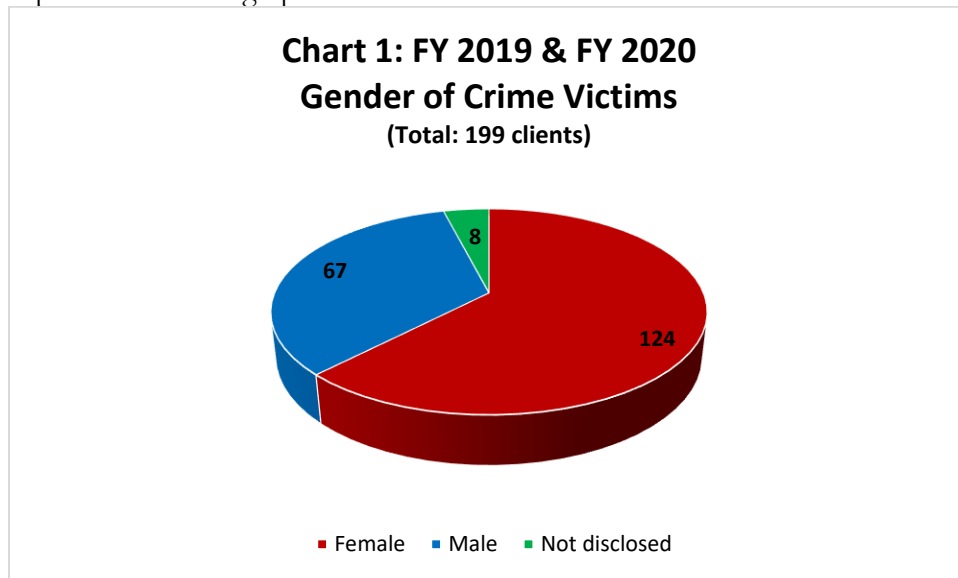
During the 2020 fiscal year (July 2019-June 2020) and 2021 fiscal year (July 2020-June 2021), the OVA operated as a functional state agency committed to effectively and efficiently carrying out its statutory mandates.

COMPLAINT/INTAKE ACTIVITY

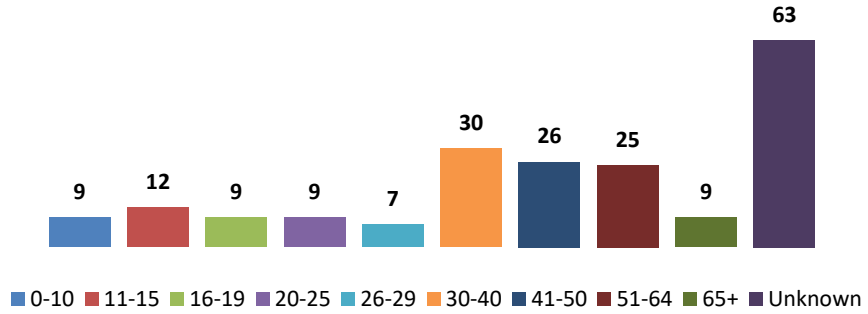
The OVA's statutory mandates include receiving complaints or requests for information and assistance from crime victims, agencies and entities on behalf of crime victims. The OVA received 966 requests for assistance and had an open caseload of 199 clients. In addition to providing assistance, the OVA referred clients to 123 state, federal, private or community agencies to assist the clients in other areas related to the crime.

DEMOGRAPHICS

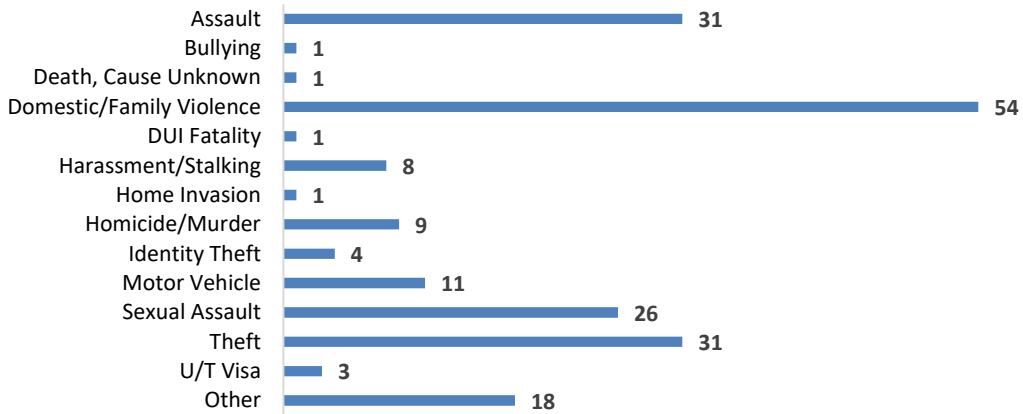
Clients self-reported the demographic and crime information included in the charts below.



**Chart 3: FY 2020 & FY 2021
Age of Crime Victims
at the time the crime was committed**
(Total: 199 clients)

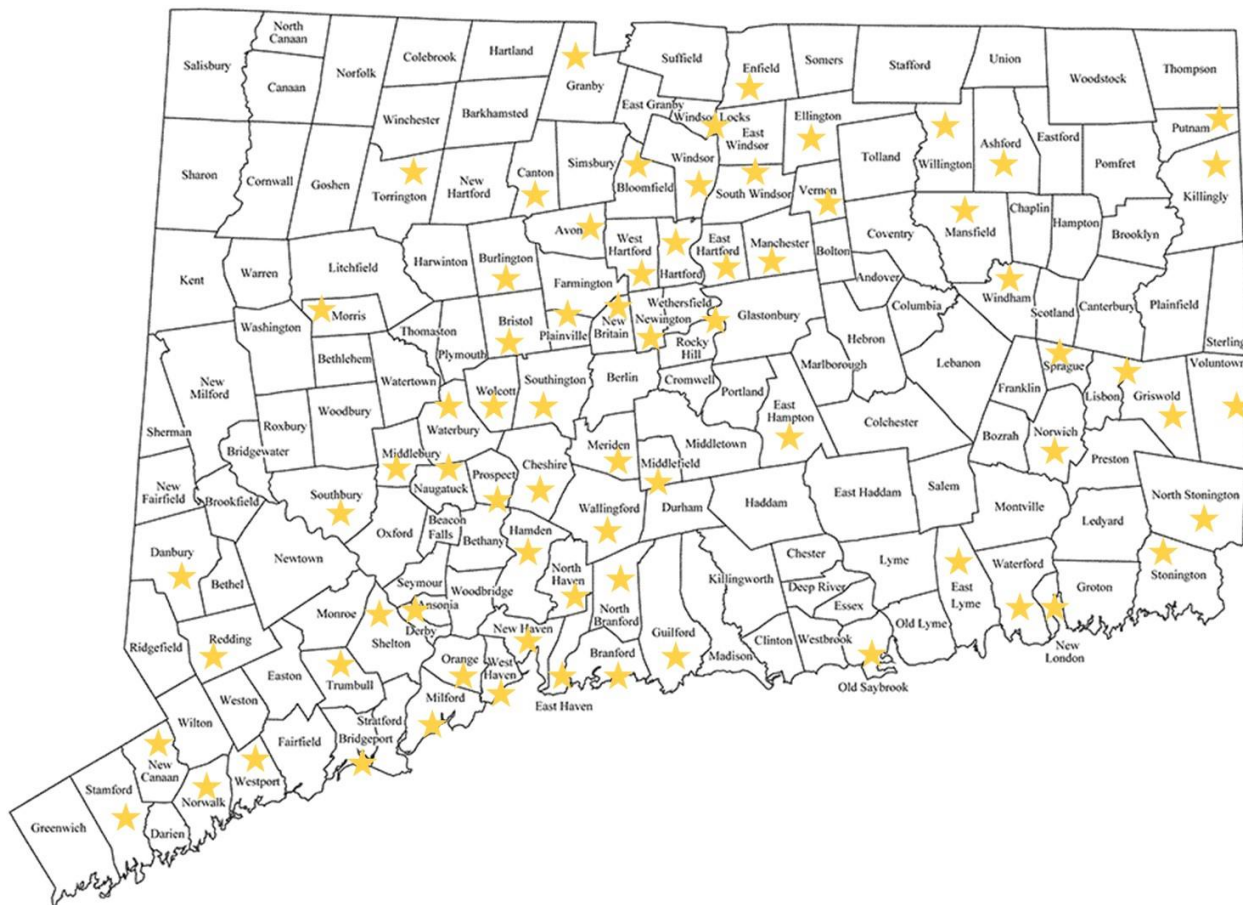


**Chart 4: FY 2020 & FY 2021
Types of Crimes Committed**
(Total: 199 Clients)



Five (5) of the above crimes were committed by juveniles.

Clients reported that the crimes were committed in: Ashford, Avon, Baltic, Bloomfield, Branford, Bridgeport, Bristol, Burlington, Canton, Cheshire, Danbury, Danielson, Dayville, Derby, East Hampton, East Hartford, East Haven, East Lyme, Ellington, Enfield, Granby, Griswold, Guilford, Hamden, Hartford, Jewett City, Lisbon, Manchester, Mansfield Center, Meriden, Middlebury, Middlefield, Milford, Morris, Mystic, Naugatuck, New Britain, New Canaan, New Haven, New London, Newington, Niantic, North Branford, North Haven, North Stonington, Norwalk, Norwich, Old Saybrook, Orange, Pawcatuck, Plainville, Prospect, Putnam, Redding, Rocky Hill, Shelton, South Windsor, Southbury, Southington, Stamford, Stonington, Torrington, Trumbull, Vernon/Rockville, Wallingford, Waterbury, Waterford, West Hartford, West Haven, Westport, Willimantic, Willington, Windsor, Windsor Locks, and Wolcott.



Clients reported the following violations of their constitutional rights:

- 36 were denied their right to be treated with fairness and respect by prosecutors, police departments, judges, investigators, and defense attorneys.
- 5 were denied their right to timely disposition of the case following the arrest of the accused.
- 31 were not reasonably protected from the accused.
- 9 did not receive notification of court proceedings.
- 9 were not allowed the opportunity to attend the trial or other court proceedings.
- 14 could not communicate with the prosecution about the case.
- 8 were denied their right to object or support a plea agreement.
- 5 were denied their right to make a statement in court at sentencing.

- 25 did not receive financial restitution.
- 3 did not receive information about the arrest, conviction, sentence, imprisonment or release of the accused.

ADVOCACY ▶

In addition to client representation in court, the OVA worked with the Judicial Branch and several local law enforcement agencies to address recurring issues, such as restitution, information requests, and access to court proceedings. The OVA also worked with the Judicial Branch and the State's Attorney to develop administrative policies to address crime victims' rights violations by the court system. The OVA monitors approximately 100 juvenile offender parole eligibility cases and maintains a webpage of said information for crime victims to access the information.

APPOINTMENTS ▶

The State Victim Advocate is appointed to the following boards or commissions to address the needs and concerns of victims of crime: Connecticut Sentencing Commission, Connecticut 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 Commission, Task Force to Study the Filing of Habeas Corpus Matters, and the Trafficking in Persons Council.

COLLABORATIONS ▶

In FY 2020, the OVA staff participated in the VOICES Program at correctional institutions. In April 2021, the OVA collaborated with the CT Alliance to End Sexual Violence, the CT Coalition Against Domestic Violence, the Department of Correction Victim Services Unit, Mothers Against Drunk Driving, the Office of Policy and Management, and Survivors of Homicide for the National Crime Victims' Rights Week Virtual Conference.

LEGISLATION ▶

The OVA monitored 96 bills and submitted testimony on 14 bills before the Appropriations, Government Administration & Elections, Housing, Judiciary, and Public Safety and Security Committees. Below is a listing of new laws that will directly impact crime victims.

Crime Victims' Rights Legislation

House Joint Resolution No. 49, Resolution Proposing An Amendment to the State Constitution Concerning Crime Victims' Rights

House Joint Resolution No. 366, Resolution Proposing A Constitutional Amendment To Remove A Prohibition Against Construing The Constitution Or Statute To Create A Basis For A Criminal Conviction To Be Vacated Or Appealed If A Victim Is Not Afforded His Or Her Rights In Court

These resolutions would have corrected a flaw in the Crime Victims' Rights Amendment to the State Constitution, which currently prohibits crime victims from seeking enforcement of their rights when they are violated. The Judiciary Committee failed to act on the resolutions before the deadline.

House Bill No. 6505, An Act Concerning Court Operations

Public Act No. 21-104

The act makes various changes in laws related to court procedures and operations, including:

- Requires the court to extend, upon the applicant's request, certain civil protection orders issued ex parte (i.e., without a hearing) up to another 14 days from the originally scheduled hearing date to allow more time for service of process;
- Allowing the court, instead of holding a hearing in certain family relations matters, to accept an affidavit, made under oath, stating the requirements in the matter and that no civil restraining order or family violence protective order between the parties is in effect or pending before the court;
- **Restoring crime victims' ability to practice their constitutional right to attend court proceedings of juveniles being tried on the adult criminal docket;***
- **Establish that any member of a crime victim's immediate family is eligible to receive certain victim notifications and expanding victim compensation eligibility; and**
- Specifies that the court's discretionary vacatur relief available to certain human trafficking victims under HB 6657 applies to misdemeanor offenses other than prostitution.

* Crime victims have the right to attend all hearings that defendants can attend in juvenile and adult criminal courts. This legislation corrected a portion of Public Act No. 19-187 that violated crime victims' rights by prohibiting them from attending proceedings in cases transferred from the juvenile court to the adult court for prosecution.

Senate Bill No. 1093, An Act Concerning Civilian Police Review Boards, Security Guards, Body-Worn Recording Equipment, Searches By Police, Limitations On Offenses Subject To Automatic Erasure, Enticing A Juvenile To Commit A Crime, Lawful Orders By Police Officers And Notice To A Victim Concerning Automatic Erasure Of Criminal Record History.

Public Act No. 21-33

The act makes various changes to the laws regarding (1) police procedures, (2) juvenile criminal matters, (3) security guards, and (4) criminal record erasure, including:

- Prohibiting former police officers who were decertified in other states from being licensed as security guards and other related jobs;
- Expanding the reasons a police officer's certification may be canceled or revoked by specifying that undermining public confidence in law enforcement includes issuing unlawful orders;
- Establishes the crime of "enticing a juvenile to commit a criminal act";

- Requires the judicial branch to conduct a study to determine the feasibility of (a) decreasing the time between a child’s arrest and initial court appearance and (b) establishing a diversionary program for certain children who are arrested; and
- **Requires prosecutors, before the court accepts a plea agreement, to notify the victim whether the defendant’s conviction may be eligible for automatic erasure.**

Related Legislation Impacting Crime Victims

Senate Bill No. 892, An Act Concerning The Criminal Justice Commission, Division Of Criminal Justice And The Office Of The Inspector General.

Public Act No. 21-8

The act amends the process for nominating:

- The inspector general and restructures the Office of the Inspector General (OIG) by making it a separate, rather than an independent, office within the Division of Criminal Justice (DCJ).
- Criminal Justice Commission (CJC) members by requiring a referral to the Judiciary Committee rather than the Executive and Legislative Nominations Committee. It also gives CJC more oversight of DCJ.

Senate Bill No. 989, An Act Concerning Online Harassment.

Public Act No. 21-56

The act:

- Expands various crimes related to harassment to include conduct initiated through electronic methods, by expanding what constitutes 2nd degree stalking to include certain conduct.
- Allows those harmed by a disclosure to bring a civil action to recover damages and other relief.
- Specifies that the crime of trafficking in personal identifying information includes selling, giving, or otherwise transferring personal identifying information.

Senate Bill No. 1019, An Act Concerning The Board Of Pardons And Paroles, Erasure Of Criminal Records For Certain Misdemeanor And Felony Offenses, Prohibiting Discrimination Based On Erased Criminal History Record Information And Concerning The Recommendations Of The Connecticut Sentencing Commission With Respect To Misdemeanor Sentences (**Clean Slate**)

Public Act No. 21-32

The act:

- Establishes a process for the automatic erasure of records of certain criminal convictions after a specified period following the person’s most recent conviction. These provisions do not apply to (1) class A, B, or C felonies (or certain unclassified felonies), (2) family violence crimes, or (3) other specifically identified crimes.
- Makes other related changes, such as setting a deadline for purchasers of public criminal records to purge erased records from their files after receiving information about that erasure.
- Allows a person’s attorney to petition the court for the person’s erased records if (1) the person is the subject of an immigration matter and (2) federal law may require disclosure of criminal history information. The court must direct that the records be made available to the attorney, to the extent the information has been retained.

- Prohibits discrimination in various contexts based on someone’s erased criminal history record information, including in housing, employment, public accommodations, credit, and state agency services.
- Requires members of the Board of Pardons and Paroles to (1) receive annual training on the pardons process and (2) provide a written explanation when denying a pardon.
- Reduces the maximum sentence for misdemeanors by one day, from one year to 364 days, and makes related changes.

Senate Bill No. 1091, An Act Concerning The Definition Of Domestic Violence, Revising Statutes Concerning Domestic Violence, Child Custody, Family Relations Matter Filings And Bigotry Or Bias Crimes And Creating A Program To Provide Legal Counsel To Indigents In Restraining Order Cases.

Public Act No. 21-78

The act makes various changes in the laws relating to domestic violence, civil restraining orders, family violence, assistance programs, and certain crimes including:

- Establishes a general definition of domestic violence that includes coercive control as a form of domestic violence;
- Allows victims subject to coercive control by a family or household member to be eligible for civil restraining orders;
- Requires the court to sanction a party that files frivolous and fabricated pleadings or motions;
- Creates a grant program to provide free legal assistance to indigent restraining order applicants;
- Categorizes criminal violation of a protection order or condition of release as a family violence crime in certain circumstances;
- Establishes a time frame for U Nonimmigrant Status certification;
- Prescribes a specific notice to each person who receives a family violence protective order or standing criminal protection order;
- Requires courthouses constructed on or after July 1, 2021, to include a room for family violence victims and advocates;
- Expands the “best interest of the child” factors in family relations matters to include the child’s physical and emotional health;
- Expands the judicial districts within which the chief court administrator must allow one or more family violence victim advocates to provide services to domestic violence victims;
- Expands the factors the court may consider when determining release conditions;
- Provides eligible domestic violence victims easier access to certain assistance programs;
- Expands the crimes of 1st, 2nd, and 3rd degree intimidation based on actions motivated in whole or in substantial part by certain attributes; and
- Establishes additional protections for tenants who are protected by certain orders of protection by, among other things, requiring a landlord to change a dwelling unit’s locks upon the tenant’s request or allow the tenant to do so within a certain time period.

House Bill No. 6374, An Act Concerning Sexual Misconduct On College Campuses.

Public Act No. 21-81

The act:

- Establishes the Council on Sexual Misconduct Climate Assessments within the legislative department and requires the council to:
 - Develop a list of data points for higher education institutions to collect through student responses to sexual misconduct climate assessments;
 - Recommend one or more sexual misconduct climate assessments that collect the data points the council identified;
 - Recommend assessment implementation guidelines; and
 - Starting by January 1, 2022, the act requires the council to report every two years to the Higher Education and Employment Advancement Committee and each Connecticut higher education institution on the (1) list of data points it developed and (2) recommended sexual misconduct climate assessments and guidelines for their implementation.
- Requires each Connecticut higher education institution, by March 1, 2023, and every two years after that, to (1) conduct a sexual misconduct climate assessment that collects the data points the council develops and (2) distribute the assessment to each enrolled student in accordance with the council's recommended guidelines.
- Prohibits a higher education institution from taking disciplinary action against a student or employee for violating the institution's drug or alcohol policy if (1) he or she reports an alleged incident of sexual assault, stalking, or intimate partner violence that occurred during, or was connected to, the policy violation and (2) the policy violation did not place another person's health or safety at risk

House Bill No. 6594, An Act Concerning The Criminal Justice Process.

Public Act No. 21-102

The act makes various changes in laws related to the criminal justice process, including:

- Increases the penalty for electronic stalking and broadens the definition of the crime;
- Specifies what is considered "harm" for distributing intimate images; prohibits dissemination when the other person is not identifiable but there is other identifying information included; and increases the penalty when dissemination is to more than one person over certain electronic platforms;
- Allows defendants sentenced to any period of incarceration after a jury trial to file for a sentence modification without the agreement of the state's attorney;
- Allows defendants sentenced to less than 7 years pursuant to a plea agreement to file for a sentence modification without the agreement of the state's attorney. If the sentence is greater than 7 years, the defendant must get the agreement of the state's attorney; and
- Allows defendants denied a sentence modification or release, to refile every 5 years.

House Bill No. 6657, An Act Concerning Human Trafficking

Public Act No. 21-103

The act makes various changes to laws affecting human trafficking crime and victims, including:

- Extends vacatur relief by allowing individuals who committed certain crimes due to being human trafficking victims to apply to have those convictions vacated and (b) requires the applicants to notify any victim of the crimes about the application;
- Establishes an affirmative defense for a trafficking victim who is a minor charged with trafficking in persons;

- Narrows the elements of the trafficking in persons crime by including only actions a person commits knowingly; and
- Broadens the crimes of “sex trafficking,” “patronizing a prostitute,” and “commercial sexual abuse of a minor” to include taking these actions in exchange for anything of value, instead of only for paying a fee.

House Bill No. 6667, An Act Concerning The Recommendations Of The Juvenile Justice Policy And Oversight Committee.

Public Act No. 21-174

The act makes several changes affecting juvenile justice matters, including:

- The Department of Children and Families (DCF) to create and implement a plan for an educational unit to improve educational and vocational outcomes for children who are incarcerated or in a juvenile justice facility;
- The State Department of Education (SDE), by August 1, 2021, to assemble a list of people who may serve as reentry coordinators to help obtain child records;
- Local or regional boards of education to award diplomas to students educated at the DCF education unit and who meet certain requirements;
- The SDE and DCF commissioners to develop a system to standardize the conversion of transferred credits;
- The transfer of student education records to occur within five days after receiving notice that a child transferred from education by DCF’s education unit to a new school or state charter school, or vice versa;
- Raises the age of children subject to juvenile court delinquency jurisdiction from age seven to age 10;
- Requires CSSD to provide written notice to the child upon discharge or the child's parents or guardians on the erasure of a child’s police and court records, if certain conditions are met;
- Requires the judicial branch to develop an implementation plan to securely house in its custody anyone under age 18 who is arrested and detained prior to sentencing or disposition; and
- Generally allows information obtained about a child during a detention screening or assessment to be disclosed to CSSD.
- Establishes committees to study the (1) effects of, and possible alternatives to, student suspensions and expulsions and (2) telephone call rates and commissary needs of 18 to 21-year-olds incarcerated in DOC facilities. It also requires a team to develop plans for mandatory pre-arrest diversion of low-risk children.
- Removes a provision that generally prohibits the use of chemical agents on youths (under age 18) in the DOC and DCF commissioner’s custody and instead requires the DOC commissioner to review and report on the department's use of chemical agents on youth’s in DOC custody or housed in a facility the department operates.

PUBLIC OUTREACH AND EDUCATION ►

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. The OVA presented at several events reaching approximately 1,600 individuals directly. These educational events were held by state and federal agencies, legislators, community organizations, senior center community centers, and universities.


The OVA hosted a week-long virtual conference during National Crime Victims' Rights Week in April 2021. The theme, *Support Victims. Build Trust. Engage Communities.* emphasized the importance of addressing crime victims' rights and concerns during the COVID pandemic. The OVA was honored to have representatives from the CT Alliance to End Sexual Violence, the CT Coalition Against Domestic Violence, the Department of Correction Victim Services Unit, Mothers Against Drunk Driving, the Office of Policy Management, and Survivors of Homicide conduct workshops or events throughout the week. The conference was attended by 161 individuals, representing law enforcement, attorneys, victim advocates, services providers and members of our community dedicated to providing services to victims of crime. The conference was offered at no charge.

State of Connecticut
Office of The Victim Advocate

**National Crime Victims' Rights
Week Virtual Conference**

April 19 – 23, 2021

Join us as CT celebrates
National Crime Victims' Rights Week
through a series of virtual events.



SEPARATE REGISTRATION IS REQUIRED FOR EACH SESSION.

Monday, April 19, 2021

9 a.m. Join us as we kick off the week's events with a virtual press conference with special guests! [For more information and to register click here!](#)

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Monday, April 19, 2021

10:30 a.m. - 12:30 p.m. State of CT Office of The Victim Advocate
The Role of The Office of The Victim Advocate
[For more information and to register click here!](#)

Tuesday, April 20, 2021

4 p.m. Mothers Against Drunk Driving - MADD
Virtual Candlelight Vigil
MADD Connecticut will be hosting a Virtual Candlelight Vigil for all victims of crime. Registration is required. <https://forms.gle/B6K1wA4eTuAqmjvBA>
For further questions please contact Jennifer from MADD at jennifer.rossi@madd.org.

Wednesday, April 21, 2021

10-12 p.m. State of CT Office of The Victim Advocate
Victims' Rights 101 & Notification in an Opt-In System
[For more information and to register click here!](#)

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Wednesday, April 21, 2021

1-3 p.m. Survivors of Homicide
Title: Understanding the Complexity of Grief After a Homicide
[For more information and to register click here!](#)

Thursday, April 22, 2021

1-2 p.m. Department of Correction, Victim Services Unit
Victim Notification in Corrections
[For more information and to register click here!](#)

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Thursday, April 22, 2021

2 p.m. – 4p.m. CT Coalition Against Domestic Violence CCADV
Domestic Violence Services and Resources in CT
[For more information and to register click here!](#)

Friday, April 23, 2021

9-11 a.m. CT Alliance to End Sexual Violence
A Trauma Informed Approach to Working with Victims of Crime
[For more information and to register click here!](#)

The OVA continued its media campaign to educate the public of its existence and services. The OVA contracted with the Department of Motor Vehicles (DMV) to display crime victim rights and agency information on its monitors in the Danbury, Willimantic, and Winsted locations. According to DMV this has reached 86,806 people.



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.



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, assists in legislative advocacy, 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 concerning crime victim rights, and represents the OVA on boards and commissions.

Vanessa M. Torres, Administrative Assistant --- Ms. Torres joined the OVA in January 2011. She conducts intakes, manages office and budget administration, and implements social media and public education and outreach strategies.



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