

# OFFICE OF THE VICTIM ADVOCATE

MICHELLE CRUZ, ESQ.  
STATE VICTIM ADVOCATE

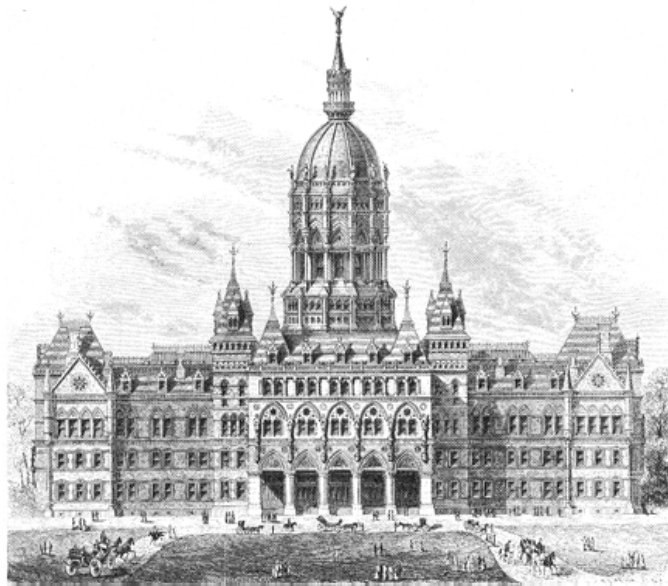
## 2006 – 2007

## COMBINED

## ANNUAL REPORT

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PROTECTING & PROMOTING THE RIGHTS  
OF CRIME VICTIMS IN CONNECTICUT



TO THE GOVERNOR AND THE CONNECTICUT GENERAL ASSEMBLY

January 12, 2009

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STATE OF CONNECTICUT  
OFFICE OF THE VICTIM  
ADVOCATE



**STATE VICTIM ADVOCATE**

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

*JAMES PAPILO, ESQ., TERM EXPIRED ON 10/31/2007*

Mission

The Office of the Victim Advocate (OVA), as an independent state agency, works to protect and promote the Constitutional rights of crime victims in Connecticut. The OVA monitors and evaluates the provision of services to crime victims and works to advance policies throughout the state that promote the fair and just treatment of crime victims throughout the criminal justice system. The existence of the OVA provides oversight and advocacy when the criminal justice system fails crime victims. The OVA remains committed to ensuring that the voices of crime victims play a central role in Connecticut's response to violence and to those victimized by crime. Further, the OVA is dedicated to promoting awareness to Connecticut citizens as to the services available to crime victims through outreach, education and public service events.

The 2006 – 2007 Combined 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.

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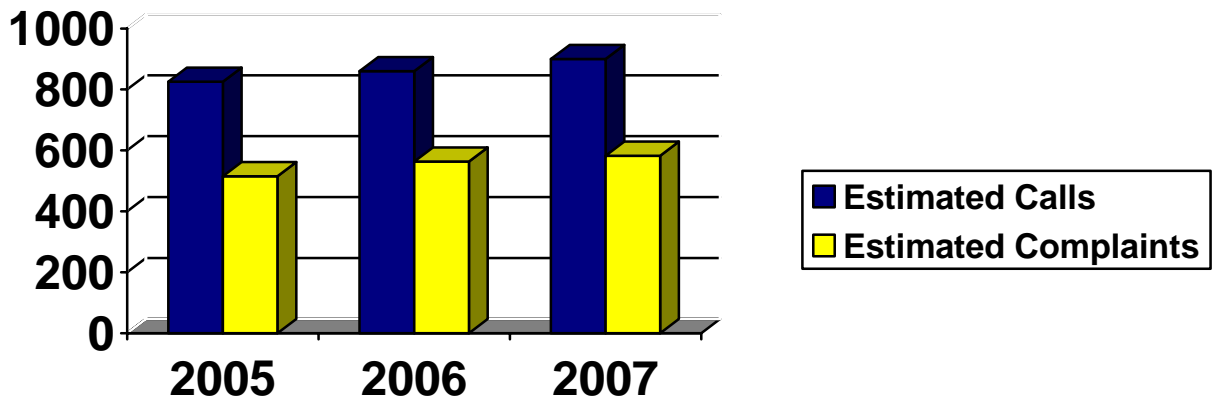
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## **HIGHLIGHTS OF 2006 AND 2007**

- ✦ The Victim Advocate developed and published: “Identity Theft – A Guide for Connecticut Citizens” to help educate the public with respect to identity theft.
- ✦ The Federal Office for Victims of Crime and The National Institute for Justice invited the Victim Advocate to serve on a working group to create a national publication, “Assisting Victims of Identity Theft: A Resource Guide for Victim Services.”
- ✦ The Victim Advocate was appointed to serve as a member of the Governor’s Identity Theft Advisory Board.
- ✦ Public Act No. 06-143, An Act Concerning Trafficking in Persons adds the Victim Advocate as a member to the Interagency Task Force on Trafficking in Persons. The task force is required to implement public awareness strategies, to identify criteria for providing victim services and address access to rights, benefits and services for trafficking victims.
- ✦ Section 30 of Public Act No. 06-187 establishes a Risk Assessment Board to develop a risk assessment scale that assigns weights to various risk factors and specifies the risk level to which offenders with various risk assessment scores shall be assigned. The Victim Advocate is a designated member of the Board.
- ✦ The Victim Advocate successfully advocated at the legislature for additional staff positions to join the OVA, a second complaint officer and a staff attorney.
- ✦ The Office of the Victim Advocate continues to be a co-sponsor of the Melanie Ilene Rieger Memorial Conference Against Violence. The conference was established by the parents of Melanie Rieger, Sam and Wanda Rieger, after the brutal murder of their daughter by her former boyfriend on May 24, 1994.
- ✦ The OVA was chosen to receive the proceeds derived from the sale of, “I’ll Fly Away,” the second anthology of the writing students at York Correctional Institution; edited by Wally Lamb and published by HarperCollins. By agreement of the Victim Advocate, the editor and the publisher, the gift will be used to defray the cost to publish a resource guide for Connecticut crime victims.

## DELIVERY OF SERVICES TO CRIME VICTIMS

The OVA continues to work to protect and promote the rights of crime victims in Connecticut. Educating the public, criminal justice professionals, legislators, advocates and direct service providers on victims' rights and available services will go a long way to improve the quality of services to victims of crime. The OVA estimates that the number of calls, leading to some form of action by the OVA, has slightly increased during the 2006 and 2007 reporting period.



The most frequent complaint to the OVA continues to be the lack of notification to crime victims of rights and the availability of services. Passage of Public Act No. 06-100, An Act Concerning Crime Victims will assist in addressing the problem of notification to crime victims. Pursuant to the public act, the Chief State's Attorney, in consultation with the Chief Court Administrator is required to develop a plan for the establishment and implementation of a statewide automated victim information and notification system. Additionally, the Victim Advocate, in cooperation with the Office of Policy and Management arranged for a presentation of the VINE system for various criminal justice agencies and other entities that provide services to crime victims.

During the 2005 legislative session, the Criminal Justice Planning Commission was established. The Commission is required to develop a plan to promote a more effective and cohesive state criminal justice system and requires the Commission to collaborate with certain agencies, including the OVA. The OVA met with members of the Commission to discuss proposals

that were submitted to the Commission for improving the enforcement of victims' rights in the criminal justice system. The OVA will continue to work cooperatively with the Commission and track the progress of the recommendations made by the Commission.

## **COURT ADVOCACY**

Upon receiving a complaint for an alleged violation of a victim's right, the OVA may request documents from various agencies, order transcripts, contact or schedule a meeting with a prosecutor, law enforcement agency, or other criminal justice professional or send written correspondence to a court. During the 2006 – 2007 reporting period, the OVA attended numerous court proceedings to assist crime victims in asserting their rights. The OVA was successful assisting crime victims with issues such as:

- Obtaining standing criminal restraining orders
- Securing written orders of restitution
- Providing a statement to the court prior to the court accepting a plea agreement
- Obtaining protective orders in harassment cases
- Obtaining records and information pertaining to criminal cases
- Requesting the return of personal property
- Meeting with prosecutors

During the 2007 legislative session, the OVA proposed legislation that would require the Judicial Branch to establish a crime victim assistance center in every criminal court around the state. This center would be an unmanned area of the court, centrally located, that crime victims could be directed to for information about the criminal justice system, the rights of crime victims and the services available to crime victims in Connecticut. It is critical for crime victims that are not eligible for the assistance of a court based victim advocate to have the opportunity to access information and services. The alternative would be to require the Judicial Branch to provide the assistance of victim service advocates to all crime victims.

Unfortunately, the Judiciary Committee failed to act on the OVA's proposal prior to the deadline. The OVA will continue to ensure that all crime victims have access to information and services.

# FORMAL INVESTIGATIONS

## 2005 PENDING INVESTIGATIONS

- ✚ The Possibility of Re-Opening a Cold Case  
The OVA was contacted by the daughter of a man who was brutally murdered decades ago. The victim's family sought the assistance of the OVA in getting the investigation into the man's murder re-opened. After meeting with the Office of the Chief State's Attorney and a representative of the Henry Lee Institute at the University of New Haven, the OVA is awaiting a formal response. (SUSPENDED)
  
- ✚ The Investigation of the Circumstances of an Inmate's Early Release in the Community  
The OVA investigated the process, policies and procedures utilized by the Department of Correction for determining whether an inmate is an appropriate candidate for early release into the community. The OVA reviewed materials provided by the Department of Correction which caused the OVA to request additional documents. (SUSPENDED)
  
- ✚ The Facts and Circumstances of the Proposed Early Release of a Murderer  
The OVA investigated the facts and circumstances surrounding the proposed early release of a murderer on behalf of the surviving family members.

Richard Reihl was brutally murdered in 1988 in Wethersfield, CT. Sean Burke and a friend, both teenagers at the time, were arrested and convicted in the killing. Sean Burke received a 40 prison term for his role in the killing. In July of 2005, the defendant filed a motion for a reduction in sentence. As part of any application for a reduction in sentence, the defendant is obligated to notify the victim of the crime, or the victim's surviving family members in cases of homicide, of the application and provide proof to the court of the notification. A hearing date was scheduled for the motion in August when the press picked up on the story.

The OVA reviewed the news accounts of the story and requested a copy of the application for the reduction in sentence from the court. After a review of the documents, the OVA quickly determined that the victims, the surviving family members, had not been notified of this proceeding, a violation of the victim's rights.

The OVA contacted the family members of Richard Reihl and informed them of the scheduled hearing. The Victim Advocate attended the proceeding with the family members, informed the court that the victim's had not received proper and adequate notification of the proceeding and requested that the court continue the hearing to give the victims the opportunity to consider the



defendant's application. The court acknowledged the lack of proper notification to the victims and granted the Victim Advocate's request to reschedule the hearing. The OVA then requested materials from various agencies regarding the defendant's incarceration history.

The OVA reviewed the materials received from various agencies and prepared a summary of the information. Prior to the hearing, scheduled for November 17, 2005, the Victim Advocate met with the family members of Richard Reihl to discuss the summary of information and their role in the upcoming hearing. The Victim Advocate attended the reduction hearing with the family and the family members testified at the hearing in opposition to a reduction in the sentence. The court, after hearing from all parties and the family of the victim, needed time to review the information that was submitted to the court, both in support of the reduction and in opposition to the reduction. The court issued a written decision on February 6, 2006, which granted the defendant's motion and reduced the sentence from 40 years to 35 years based on the rehabilitative efforts the defendant had made while being incarcerated. The Victim Advocate and the victim's family were very disappointed with the judge's decision. (CONCLUDED)

✚ The Issue of Scams, Awareness of Scams by the Public and Business Industry and the Consequences to a Victim of the Scam

The OVA has received a number of complaints regarding scams, the publicity of scams to the public and business community and the unfortunate consequences to a victim of a scam. The OVA worked collaboratively with the Department of Banking, the U.S. Attorney's Office and U.S. Postal Inspector to generate awareness of scams to the public and the responsibilities of the business community to recognize a scam. (CONCLUDED)

## 2006 INVESTIGATIONS

✚ The Investigation of the Tragic Death of Mary Neliz Jiminez and her Four Passengers on May 27, 2006, in Berlin, CT

In conjunction with the investigation of an inmate's early release, the OVA initiated an investigation into the facts and circumstances surrounding the tragic and fatal car accident that killed Mary Neliz Jiminez and her four passengers. Specifically, the OVA investigated the circumstances that lead to the early release of Kevin Cales, the former boyfriend of Mary Neliz Jiminez, who was charged with (5) counts of manslaughter 1<sup>st</sup>, stalking; (2) counts of reckless endangerment and other charges. (SUSPENDED)

✚ The Investigation into the Process by which Police Officers are being Compensated from the Criminal Injuries Compensation Fund for Lost Wages

The OVA conducted an examination into the process by which police officers injured in the line of duty were receiving payments from the Criminal Injuries

Compensation Fund (CICF) for documented loss of overtime while out on injury leave.

The injured officers first had to meet the definition of a crime victim as determined by the Office of Victim Services (OVS) before a claim would be approved for payment. OVS was regularly approving claims for payment until September of 2005.

OVA conducted a review of all claims paid or denied by the OVS for the years 2003-2005 and a portion of 2006 involving police officers requesting overtime reimbursement. OVA also examined how cities and towns pay their police officers while injured along with the calculation used to determine a workers compensation benefit. OVA met with representatives of the Workers Compensation Commission.

The OVA found that there has been no change to the workers compensation process since 1993. The OVA was unable to determine the sudden policy change by OVS regarding payment for overtime reimbursement to injured police officers. (CONCLUDED)

✚ The Investigation of Compliance with the Registration Requirements of Registered Sex Offenders

The OVA initiated an investigation into compliance with the registration requirements of registered sex offenders in the state and the response and efforts made to enforce such requirements. (TERMINATED)

✚ The Compliance by the Courts with the Advisement of Rights to Crime Victims, Pursuant to C.G.S. § 54-85g

The OVA conducted a study of the court's compliance with the advisement of rights to crime victims at the opening of arraignment court each day. The OVA selected a random date and requested a copy of the transcript from each of the geographical area (G.A.) courts. The OVA then conducted (2) personal visits to each of the G.A. courts for the opening of arraignment court and, in addition, ordered the transcript of each visit. (SUSPENDED)

✚ A Comparison of States in the country that have Constitutional Amendments for Victims' Rights, Provisions of Statutes that Provide Rights for Crime Victims and Established Remedies for Violations of Victims' Rights

The OVA initiated a comparison of states in the country that have constitutional amendments or statutory provisions for victims' rights and whether there are any remedies available to a crime victim for an alleged violation of their rights. (SUSPENDED)

✚ Submission of Transcripts and Related Information regarding Violations of Victims' Rights in Court Proceedings to the Chief Court Administrator

In October of 2006, the OVA documented several violations of victims' rights and formally submitted its documentation and finding to the Chief Court Administrator for review. The OVA also met with the Chief Court Administrator and other staff members to review the information. The OVA requested a formal response from the Chief Court Administrator to the OVA's submission. (SUSPENDED)

## 2007 INVESTIGATIONS

✚ The Investigation into the Circumstances Surrounding Several Alleged False Reports of Sexual Assault in the Greater Hartford Area and the Services Provided to and Treatment of Victims of Sexual Assault Upon Arrival at Hospital Emergency Rooms

The OVA initiated an investigation into the circumstances surrounding several alleged false reports of sexual assault in the greater Hartford area. In addition, the OVA reviewed the policies, procedures and practices established by all of the hospital emergency rooms in the state relating to the services provided to and treatment of victims of sexual assault.

The OVA expanded the investigation of the policies, procedures and practices to include those established by all college and university campuses. The OVA met with the Chancellor of the Connecticut State College System and the presidents of the various college and universities in Connecticut to review their current policies, procedures and programs with an eye towards improving the treatment of victims and the manner in which reports of sexual assault are handled. (SUSPENDED)


✚ The Compliance by Superior Court Judges to Issue a Written Order of Restitution

The OVA initiated an investigation into compliance by superior court judges to issue a written order of restitution when certain steps have been taken by the crime victim, pursuant to C.G.S. § 53a-28(c). The OVA reviewed information from (8) randomly selected geographical area courts around the state. (SUSPENDED)

✚ The Investigation into the Time Period when an Ex-Parte Restraining Order has been Issued—Notice to Law Enforcement that Service has been Provided to the Respondent by the State Marshal—and Notice to the Court that Service has been Provided to the Respondent by the State Marshal

The OVA initiated an investigation into the time period that an ex-parte restraining order has been issued until notice has been given to the law enforcement agency that the respondent has been served by the marshal. There appears to be a lag in time between the issuance of the ex-parte order, when the order is served on the respondent and when the law enforcement agency is informed that the respondent has been served. Law enforcement officials are not sure when responding to an allegation of a violation of the

order if the marshal has not informed them that service has been made on the respondent. (SUSPENDED)

 The Investigation of the Circumstances of the Early Release of Two Repeat Offenders on parole and the Tragic Deaths of Three Members of the Petit Family in Cheshire, CT

The OVA is investigating the policies, practices and procedures utilized by the Board of Pardons and Paroles to determine parole eligibility for two repeat offenders. The horrific tragedy in Cheshire, CT sparked a public outcry for the legislature and the Governor to take immediate action in special session to address the severe deficiencies in the criminal justice process.

Several rallies and memorials were held across the state to honor the memories of the Petit family and to demand changes in the law to protect the public from repeat offenders. The Victim Advocate attended and participated, along with the Lt. Governor and several members of the General Assembly.

In response, the Governor formed the Sentencing & Parole Review Task Force to conduct a top to bottom assessment of all the procedures and processes involved in charging, sentencing and releasing those convicted of crimes in Connecticut.

Very soon after the tragedy in Cheshire, another serious, violent offense was committed by an offender released on parole. The Governor instituted a ban on parole for all violent offenders and ordered the Department of Correction to conduct a review of all non-violent, level 1 offenders for possible release.

The Judiciary Committee held an emergency public hearing to hear testimony from national experts and state officials regarding mandatory sentencing, California's version of the 3 strikes law, prison population and overcrowding issues and the parole process. The Judiciary Committee then asked agencies and others to submit legislative proposals for consideration. The Victim Advocate submitted a proposal titled, *An Act Concerning the Petit Home Invasion Protection Act*, with the approval of Dr. William Petit.

The Victim Advocate, in conjunction with State Senator Don Williams and State Senator Tom Gaffey, held a press conference to outline recommendations to address the current parole policies and practices; the current membership of the Board of Pardons and Paroles; the supervision and oversight of offenders released on a 30 day re-entry furlough; and the Department of Correction practices of granting early release programs to control the prison population. (SUSPENDED)

**NOTE: On October 31, 2007, the State Victim Advocate completed his term. The new State Victim Advocate officially assumed her duties on November 16, 2007. All pending investigations were suspended until the new State Victim Advocate had the opportunity to review the pending investigations and determine further action by the OVA, if any.**

## **LEGISLATIVE INITIATIVES**

During the 2006 and 2007 legislative sessions the Office of the Victim Advocate submitted their proposals to the Judiciary Committee for consideration. The proposals include measures to improve various notifications to crime victims, enhancing the issuance of protective orders on behalf of crime victims, providing the Victim Advocate with appellate authority on behalf of crime victims and with subpoena power to effectively investigate complaints on behalf of crime victims.

The Victim Advocate met with representatives of various agencies and other entities, including the Governor's Office, legislative members, the Office of the Chief State's Attorney, the Office of the Chief Public Defender, to promote and gain support for the OVA's proposals.

In addition to the OVA's legislative proposals, the OVA tracked several bills which affect the treatment of crime victims or the services available to crime victims. The Victim Advocate testified before various legislative committees, or submitted written testimony, in support of or opposition to several bills.

### **2006 LEGISLATIVE SESSION**

In March 2006, the Judiciary Committee raised House Bill No. 5799, *An Act Concerning Crime Victims and the Victim Advocate*.

- ❖ Authorize the Victim Advocate to pursue appellate relief on behalf of a crime victim when it is alleged that any right afforded crime victims is violated;
- ❖ Authorize the Victim Advocate to issue a subpoena to obtain records or other information in the course of an investigation if the Victim Advocate is denied access to records or other information;
- ❖ Authorize Superior Court judges to issue a protective order in any case involving the use, attempted use or threatened physical force against another person, where the judge determines a protective order is necessary for the benefit of the victim;
- ❖ Include the Victim Advocate among those entitled to youthful offender records;
- ❖ Require the Judicial Branch, in cooperation with the Victim Advocate, to create a form that a victim can use to notify the court and the prosecutor of their intent to exercise their rights and to require that court-based victim advocates provide and assist victims in completing and distributing the form;
- ❖ Provide for the identifying information of a victim that is provided by the victim to the court and to the prosecutor be confidential;
- ❖ Require the prosecuting authority to notify any victim that has requested to be notified, in adult and juvenile cases, when a defendant files an appeal or other post-conviction remedy and the nature of and outcome of any appeal; and
- ❖ Establish a state-wide automated victim notification system.

Unfortunately, the Judiciary Committee failed to take action on the OVA's proposal prior to the deadline. Below are some of the proposals that passed during the 2006 legislative session that affect the treatment of crime victims or the services available to crime victims.

- ✓ Public Act No. 06-43, *An Act Concerning Trafficking in Persons*  
**(Support)** Adds the Victim Advocate to the membership of the Trafficking in Persons Council
- ✓ Public Act No. 06-152, *An Act Concerning Court Operations (Section 2)*  
**(Oppose)** Authorizes the information contained in an application for a restraining order, instead of a copy of the application, to be sent to the police department
- ✓ Public Act No.06-11, *An Act Concerning Sexual Assault*  
**(Support)** Expands the activities that constitute third and fourth degree sexual assault
- ✓ Public Act No. 06-112, *An Act Concerning Underage Drinking*  
**(Support)** Makes it illegal for someone who possesses or controls private property to knowingly permit a minor to illegally possess alcohol
- ✓ Public Act No. 06-107, *An Act Concerning Sexual Assault by Hypnotists*  
**(Support)** Prohibits sexual intercourse or contact with clients of a hypnotist
- ✓ Public Act No. 06-115, *An Act Concerning Bullying Policies in Schools and Notices Sent to Parents and Legal Guardians*  
**(Support)** Expands the definition of bullying, enhances schools' obligations to tell students how to report bullying and requires interventions for students who repeatedly bully or are bullied
- ✓ Public Act No. 06-60, *An Act Concerning Identity Theft and Theft of Personal Information*  
**(Support)** Prohibits using a scanner to read the information on a computer chip or a payment card
- ✓ Public Act No. 06-99, *An Act Concerning Notification of the Issuance of Re-arrest Warrants*  
**(Support)** Requires that notice be sent to each municipal chief elected official of the number of people living in the municipality with an outstanding arrest or re-arrest warrant
- ✓ Public Act No. 06-100, *An Act Concerning Crime Victims*  
**(Support)** Establishes procedures for a pro se litigant to follow when filing a lawsuit against the victim of the pro se litigant's criminal offense;

improves the compensation eligibility and statute of limitations; requires a plan to develop and implement a statewide victim information and notification system; and requires the State Marshal Commission to create a list of participants in the Safe at Home Program

- ✓ Public Act No. 06-173, An Act Concerning Blood or Breath Tests of Surviving Operators Involved in Motor Vehicle Accidents and Prohibiting Person Facilitating Illegal Street Racing  
(Support) Expands the circumstances under which the survivor of a serious accident must give a blood or breath sample and prohibits several actions associated with illegal street racing

## 2007 LEGISLATIVE SESSION

In February 2007, the Judiciary Committee raised House Bill No. 7235, *An Act Concerning Crime Victims and the Authority of the Victim Advocate*

- ❖ Authorize the Victim Advocate to pursue appellate relief on behalf of a crime victim when it is alleged that any right afforded crime victims is violated;
- ❖ Authorize the Victim Advocate to issue a subpoena to obtain records and other information in the course of an investigation if the Victim Advocate is denied access to records or other information;
- ❖ Authorize Superior Court judges to issue a protective order in any case involving the use, attempted use or threatened physical force against another person, where the judge determines a protective order is necessary to benefit the victim;
- ❖ Include the Victim Advocate among those entitled to youthful offender records;
- ❖ Require the Judicial Branch, in cooperation with the Victim Advocate, to create a form that a victim can use to notify the court and the prosecutor of their intent to exercise their rights and to require that court-based victim advocates provide and assist victims in completing and distributing the form;
- ❖ Provide for the identifying information of a victim that is provided by the victim to the court and to the prosecutor be confidential;
- ❖ Require the prosecuting authority to notify any victim that has requested to be notified, in adult and juvenile cases, when a defendant files an appeal or other post-conviction remedy and the nature of and outcome of any appeal; and
- ❖ Require the Judicial Branch to establish a crime victim assistance center in every court around the state and to develop and publish, in consultation with the OVA a resource guide for crime victims.

Unfortunately, the Judiciary Committee failed to take action on the OVA's proposal prior to the deadline. Below are some of the proposals that passed during the 2007 legislative session that affect the treatment of crime victims or the services available to crime victims.

- ✓ Public Act No. 07-151, An Act Concerning the Police Office Standards and Training Council and Missing Persons

- (Support)** Requires the Police Officer Standards and Training Council to develop and implement a policy concerning the acceptance of missing person reports by law enforcement agencies and such agencies' response
- ✓ Public Act No. 07-123, An Act Concerning Domestic Violence  
**(Support)** Allows law enforcement officials to issue non-financial conditions of release after an arrest for a family violence crime; establishes the crimes of violation of the conditions of release in the first degree and second degree; expands the lists of crimes, upon conviction, for which the court can issue a standing criminal restraining order; permits law enforcement to seize electronic defense weapons once the officer has determined that a family violence crime has been committed; establishes the crimes of strangulation in the first, second and third degree
  - ✓ Public Act No. 07-78, An Act Concerning the protection of Pets in Domestic Violence Cases  
**(Support)** Allows the court to include provisions necessary to protect any animal owned or kept by the applicant/victim upon the issuance of a restraining or protective order
  - ✓ Public Act No. 07-107, An Act Establishing a Trafficking In Persons Council  
**(Support)** Establishes a Trafficking in Persons Council; the Victim Advocate is a member of the council
  - ✓ Public Act No. 07-163, An Act Concerning the Reporting of Lost or Stolen Firearms and Illegal Firearms Trafficking  
**(Support)** Requires any person who lawfully possesses a firearm to report the loss of such firearm within seventy-two hours to law enforcement
  - ✓ Public Act No. 07-143, An Act Concerning Jessica's Law and Consensual Sexual Activity Between Adolescents Close in Age to Each Other  
**(Support)** Decriminalizes consensual sexual activity between teenagers close in age; establishes the crime of aggravated sexual assault of a minor and requires a mandatory minimum sentence of 25 years; expands the mandatory minimum sentences for convictions of certain sexual assault offenses involving minors; creates an exception to the hearsay rule for statements of minor victims of sexual assault



## **COMMITTEES AND COMMISSIONS**

The State Victim Advocate, or designee, continues to be an active participant on a number of committees and commissions, such as:

- **Advisory Commission on Wrongful Convictions**: Commission reviews criminal and juvenile cases involving wrongful convictions and recommends reforms to lessen the likelihood of wrongful convictions of the State of Connecticut.
- **Connecticut Helps Oversight Council**: The Oversight Council coordinates long-term recovery services following any future disaster in Connecticut.
- **Connecticut Sentencing Task Force**: The Task Force reviews criminal justice and sentencing policies of Connecticut for the purpose of creating a more just, effective and efficient system of criminal justice sentencing.
  - **Community Supervision/Alternative Sanctions Subcommittee**: This subcommittee reviews the use of probation and parole and will also address the issue of alternative sanctions by reviewing the types of programs that are available and look for program evaluation mechanisms that can determine the effectiveness of these programs.
  - **Offense Classification Subcommittee**: This subcommittee reviews current and proposed sentencing policy to determine its impact on racial, gender and geographic disparity.
  - **Sentencing Structure Subcommittee**: This subcommittee will provide recommendations regarding crimes that are not currently being used for sentencing to prison/jail. They will also review unclassified crimes to determine if it is plausible to classify them.
  - **Disparity Subcommittee**: This subcommittee will determine how sentencing is structured in Connecticut comparatively with other states. They also review the use of mandatory sentences and make necessary recommendations.
- **Criminal Justice Information System Commission (CJIS)**: Commission establishes direction and policy on justice information. They facilitate the coordination and integration of the Connecticut Criminal Justice Information System.
  - **CJIS Implementation Subcommittee**: This subcommittee facilitates the coordination and integration of the CJIS Program.
- **Governor's Identity Theft Advisory Board**: The Governor's Identity Theft Advisory Board considers and creates ways in which the State of Connecticut can better educate the general public on matters involving identity theft and the protection of personal financial information.
- **Governor's Task Force on Justice for Abused Children**: The Task Force on Justice for Abused Children assist professionals in the State of Connecticut with the necessary information, tools and training to enhance the investigation, treatment and prosecution of child physical abuse, child sexual abuse and child maltreatment fatalities.

- **Hate Crimes Advisory Committee:** The Hate Crimes Advisory Committee coordinates federal, state and local efforts concerning the enforcement of laws prohibiting the intimidation process of person on the basis of bigotry or bias and establishes programs to increase community awareness and reporting of crimes motivated by bigotry or bias and to combat such crimes by making recommendations concerning to training of police officers relative to such crimes.
- **Melanie Ilene Rieger Conference:** A conference in memory of Melanie Ilene Rieger, a college student who was murdered by her boyfriend with the hopes to prevent similar tragedies.
- **Racial and Ethnic Disparity Commission in the Criminal Justice System:** The Commission develops and recommends policies for addressing disparity issues in the adult and juvenile justice systems in Connecticut.
- **Sex Offender Risk Assessment Board:** The Board develops a risk assessment scale that assigns weights to various risk factors such as, but not limited to the seriousness of the offense, prior offense history, characteristics, and availability of community supports. The Board shall use this scale to determine which offenders should be prohibited from residing within 1000 ft. of the real property comprising of a public or private elementary or secondary school or a facility providing child day care services.
- **Sex Offender Risk Assessment Advisory Committee:** The Advisory Committee assesses and evaluates sexual offenders who are in the custody of a state agency or the Judicial Branch or receiving services from a provider under contract with a state agency or the Judicial Branch, to determine whether such persons are a risk of engaging in illegal sexual behavior and to make recommendations to the state agency and the Judicial Branch concerning the placement and level of supervision of such persons.
- **Trafficking In Persons Council:** The Trafficking In Persons Council consults with government and non-governmental organizations to develop recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims, and prosecute traffickers; identify criteria for providing services to adult trafficking victims and their children; and to provide updates and progress reports on trafficking prevention efforts and victim assistance.



## **PUBLIC OUTREACH AND SPECIAL EVENTS**

Throughout 2006 and 2007, the Victim Advocate has been interviewed by various local television networks and local radio stations regarding the treatment of crime victims and the availability of services to crime victims in Connecticut. In addition, the Victim Advocate has attended and participated in a number of events across the state to educate the public about victims' rights and the work of the Office of the Victim Advocate. Among them:

- The Victim Advocate participated in a radio program with the Women's Center in Willimantic to discuss victims' right and services.
- The Victim Advocate was a participant on a panel discussion on the death penalty in Connecticut. The forum was sponsored by the Albert Schweitzer Center and the law student chapter of the National Lawyers' Guild. The forum was held at Quinnipiac University School of Law.
- The Victim Advocate was interviewed by Channel 3 regarding scams; public awareness of scams; and the consequences for victims of scams.
- The Victim Advocate was an invited speaker at the Deaf and Hard of Hearing Conference sponsored by the Department of Children & Families at the Sheriden Four Points Hotel in Meriden.
- The Victim Advocate was an invited guest speaker at the Annual Survivors of Homicide Dinner Dance in Stamford.
- The Victim Advocate attended the dedication of the national Cold Case Center in New Haven.
- The Victim Advocate has conducted a number of "coffee shop" informational sessions for members of the deaf and hard of hearing community.
- The Victim Advocate, along with representatives of the CT Coalition Against Domestic Violence, Survivors of Homicide; CT Sexual Assault Crisis Services and Mothers Against Drunk Driving, CT Chapter, presented an award for recognition and appreciation for support and advocacy to advance victim rights and services to State House Representative and Speaker of the House James Amann.



State Representative Mary Fritz, Deputy Speaker of the House, accepting the award on behalf of State Representative and Speaker of the House, James Amann (April 18, 2007)

- The Victim Advocate, in cooperation with the Office of Policy and Management, arranged for a presentation of the Vine System for various criminal justice agencies and other entities that provide services to victims of crime.
- The Victim Advocate was an invited speaker at Central CT State University to address the students regarding victims' rights and the availability of services.
- The Victim Advocate, in conjunction with State Representative and Majority Leader of the House Christopher Donovan, held a press conference to honor the efforts of individuals and organizations to educate the deaf and hard of hearing regarding victims' rights and services.



State Representative and Majority Leader of the House, Christopher Donovan speaking at the press conference (April 23, 2007)

- The Victim Advocate was the Master of Ceremonies for the Annual Victims' Rights Ceremony held at the Legislative Office Building during National Crime Victims' Rights Week.



State Victim Advocate, James Papillo, presenting a proclamation from Governor M. Jodi Rell to dedicate Crime Victims' Rights Week (April 28, 2007)



(from left to right) State Victim Advocate, James Papillo; Chief State's Attorney, Kevin Kane; Mayor Eddie Perez; and Attorney General Richard Blumenthal

- The new State Victim Advocate, Michelle Cruz, reached out to all of the State's Attorneys across the state in an effort to establish cooperative working relationships. In addition, she reached out to all colleges and universities to offer the OVA's experience in talking to government/civic classes or administration.

## **OFFICE OPERATIONS**

### **EQUIPMENT**

- The Victim Advocate worked cooperatively with Department of Administrative Services (DAS) to secure new computers for the OVA. DAS installed the computers, networked the computers and has linked the operation of the copier to the computers.
- The Victim Advocate worked cooperatively with the Department of Information and Technology to convert the OVA database. Unfortunately, the cost estimate to accomplish this conversion was well over \$80,000.00 and not within the budget of the OVA.
- The OVA is working with Department of Administrative Services to upgrade and purchase lap top computers for staff.

### **OVA WEBSITE**

- The Victim Advocate worked cooperatively with the Department of Information and Technology to convert the website to the format of all other state agency websites.
- The OVA reduced the amount of information on the website as a way to expedite the launch of the new website. The OVA will continue to update the website with additional information.

### **OVA PUBLICATIONS**

- The Victim Advocate developed and published: “Identity Theft – A Guide for Connecticut Citizens” to help educate the public with respect to identity theft.
- The OVA was the recipient of proceeds derived from the sale of, “I’ll Fly Away,” the second anthology of the writing students at York Correctional Institution; edited by Wally Lamb and published by HarperCollins. By agreement of the State Victim Advocate, the editor and the publisher, the gift will be used to defray the cost to publish a resource guide for Connecticut crime victims. The Victim Advocate has been in communication with the Department of Administrative Services Print Shop to estimate the cost of the publication.
- The OVA made minor changes to the OVA brochure to accommodate the new State Victim Advocate. The new State Victim Advocate will be reviewing the brochure for future publication.

## **STAFF AND BUDGET**

### **STAFF**

- During the 2005 Legislative session, the OVA was allocated for an additional staff position, Principle Attorney. The Victim Advocate worked cooperatively with the Department of Administrative Services to re-classify the position to a Staff Attorney 2 because the duties and responsibilities of the staff attorney are more suitable to the needs of the OVA. This position was filled on March 31, 2006.
- The Complaint Officer position became vacant on August 31, 2007.
- The State Victim Advocate, James Papillo, informed the Governor that he did not intend to seek re-appointment. His last day was October 31, 2007.
- The Advisory Committee of the Office of the Victim Advocate immediately began their duties in search of a replacement for State Victim Advocate.
- On November 5, 2007, Governor M. Jodi Rell announced the appointment of Michelle Cruz as the new State Victim Advocate.
- The new State Victim Advocate immediately began working cooperatively with the Department of Administrative Services to fill the vacant Complaint Officer position as well as the vacant part-time Office Assistant position. A temporary office assistant was secured through the end of the year.

### **PROFESSIONAL DEVELOPMENT & TRAINING**

- The Victim Advocate attended the State Agency Ethics Compliance Officers Education Workshop at the State Capitol.

### **BUDGET**

<b>Budget Summary</b>	<b>FY 06</b>		<b>FY07</b>	
	<b>Estimated</b>	<b>Actual</b>	<b>Estimated</b>	<b>Actual</b>
<b>Agency Grand Total</b>	343,317	237,249	352,733	311,157
<i>Personal Services</i>	285,905	184,359	296,821	269,489
<i>Other Expenses</i>	47,436	41,238	51,912	41,668
<i>Equipment</i>	500	500	500	0
<i>Carry Forward – FY05 Lapse</i>	3,976	0	0	0
<i>Bond Fund</i>	5,500	11,152	3,500	0

## OVA ADVISORY BOARD MEMBERSHIP

### 2006

Nancy Kushins, Executive Director, Connecticut Sexual Assault Crisis Services, Inc.

Stephanie Redding, New Haven Police Department

Lisa Holden, Executive Director, Connecticut Coalition Against Domestic Violence, Inc.

Kimberly Sundquist, President, Survivors of Homicide, Inc.

Patrick Clifford, Judge of the Superior Court

Helen McGonigle, Attorney

Janice Heggie-Margolis, Executive Director, Mothers Against Drunk Driving, CT Chapter

Cathy Malloy, Executive Director, Sexual Assault Crisis and Education Center

Patricia Froehlich, Prosecutor

Meetings held on January 9, 2006; April 10, 2006; and October 30, 2006

### 2007

Nancy Kushins, Executive Director, Connecticut Sexual Assault Crisis Services, Inc.

Stephanie Redding, New Haven Police Department

Lisa Holden, Executive Director, Connecticut Coalition Against Domestic Violence, Inc.

Phil Hamilton, Survivors of Homicide, Inc.

Patrick Clifford, Judge of the Superior Court

Helen McGonigle, Attorney

Janice Heggie-Margolis, Executive Director, Mothers Against Drunk Driving, CT Chapter

Cathy Malloy, Executive Director, Sexual Assault Crisis and Education Center

Patricia Froehlich, Prosecutor

Phil Brewer, Hospital emergency room personnel

Meetings held on August 24, 2007; October 15, 2007 and December 3, 2007

*Pursuant to C.G.S. § 46a-13f*

## **GOALS AND CHALLENGES**

On November 5, 2007, the Governor appointed Michelle Cruz to serve as Connecticut's State Victim Advocate. Attorney Cruz assumed her responsibilities on November 16, 2007.

Upon entering her new position, Attorney Cruz conducted an immediate assessment of the needs of the OVA. The following short term goals were established:

- Complete process for Connecticut's Bar Admission
- Review and evaluate current fiscal resources of the OVA
- Review and evaluate current projects of the OVA
- Review and evaluate current policies, procedures and practices of the OVA
- Interview and obtain qualified personnel for vacant positions
- Familiarize with Connecticut's criminal justice process
- Establish strong working relationships with various criminal justice agencies and others working in the victim service delivery system
- Reach out to establishments of higher education to conduct programs of public education
- Expand the staff development opportunities within available appropriations
- Strengthen relationship with the OVA Advisory Board

### **The biggest challenges identified for the OVA:**

- Communicate the direction and approach of the OVA and restore confidence to crime victims and criminal justice professionals
- Collaborate with victim service providers to strengthen the delivery of services to crime victims
- Expand the victim service advocate resources that are currently available to crime victims
- Promote public awareness of the rights of crime victims and the availability of services to crime victims