THE OFFICE OF THE VICTIM ADVOCATE

THE VICTIMS' VOICE

Quarterly Newsletter

VOLUME 1, ISSUE 1 FEBRUARY 2009

A MESSAGE FROM THE STATE VICTIM ADVOCATE

Michelle S. Cruz, Esq.
CT State Victim Advocate

In November of 2007 I took the position of State Victim Advocate. My approach to addressing the issues faced by crime victims is to work collaboratively with agencies and other entities that provide services to crime victims. Therefore, one of my first tasks, during these first few vital months, was to travel throughout the state and reach out to all state or local agencies that touch the lives of crime victims, such as state colleges and universities, state's attorneys, local and state law enforcement, as well as statewide victims' services agencies. It has been and continues to be fundamental to the success of advocating for crime victims' rights that we approach these issues as a unified system. The key players throughout the state, working in criminal justice, may not always agree with the recommendations of the Office of the Victim Advocate, but I feel confident in saying everyone throughout the state is dedicated to improving the experiences of crime victims as they journey through the criminal justice system and try to put their lives back together. For some crime victims, this task is impossible. Their lives will never be the same; merely a shadow of their previous life. However, the process of journeying through the criminal justice system should not cause further injury, harm or damage to the innocent crime victim(s) who has not asked to be dragged into the system.

Additionally, as I evaluate the services provided to crime victims, I noticed one voice remained consistently silent – the crime victim. In hopes of addressing this silence, I am committed to mobilizing and empowering crime victims to tell their stories and to share their struggles so that their voices are no longer muted. This newsletter is one of the tools to achieve this goal. Additionally, I have designated March 25, 2009 as "Victims' Voice Day". A day dedicated to encouraging crime victims to speak out regarding current legislative initiatives that directly affect crime victims. It is my experience that oftentimes a crime victim struggles to simply get through another day; the idea of changing the landscape of crime victims' experiences in Connecticut is often too overwhelming. Thus, my vision is that on March 25th there will be easily accessible locations throughout the state where crime victims can go and receive assistance in having their voice heard through letters to their State Representatives and State Senators expressing their concerns with the system and have an opportunity to support legislation they feel will be beneficial to them as well as future crime victims. The idea is for the "Victims' Voice Day" to be an easy way for a crime victim to be active in changing the way Connecticut deals with crime victims.

I look forward to working with each and every one of you to advance the rights of crime victims and improve the delivery of services in Connecticut.

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ABOUT THE OFFICE OF THE VICTIM ADVOCATE

The Office of the Victim Advocate (OVA) was established as an independent state agency to protect and promote the legal rights of crime victims in Connecticut.

Among its many responsibilities, the OVA provides oversight and advocacy when the criminal justice system fails crime victims.

The OVA may receive and review complaints of persons concerning the actions of any state or other entity providing services to crime victims and investigate those where it appears that a crime victim or family of a crime victim may be in need of assistance from the Victim Advocate.

The Victim Advocate is authorized by law to file a limited special appearance in any court proceeding for the purpose of advocating for a crime victim when rights have been violated.

In addition, the OVA conducts programs of public education, undertakes legislative advocacy and recommends changes in state policies concerning the treatment and protection of crime victims, including changes in the system of providing direct services to victims.

If you are a crime victim, and feel your rights have been violated

Contact the Office of the Victim Advocate at:
(860) 550-6632
(888) 771-3126
CT Toll-Free

CRIME VICTIMS HAVE IMPORTANT RIGHTS*

In Connecticut, our state constitution guarantees that crime victims and their families are entitled to:

- Be treated with fairness and respect throughout the criminal justice process;
- Receive Financial Restitution;
- Timely disposition of the case following arrest of the accused;
- Be reasonably protected from the accused throughout the criminal justice process;
- Attend the trial and all other court proceedings;
- Communicate with the prosecution about the case;
- 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 court accepting a plea of guilty or nolo contendere by the accused;
- Make a statement to the court at sentencing;
- Information about the arrest, conviction, sentence, imprisonment and release of the accused.

Other Connecticut laws provide victims or their families with certain additional rights and protections, including:

- Compensation for expenses incurred, including medical services and loss of earning power;
- The right to various restitution services such as medical, psychiatric, psychological, social and rehabilitative services;
- The return of personal property used to investigate crime;
- The right to access certain records and test results;
- Special rights and protections in family violence matters;
- Protection from being fired, harassed or in any manner retaliated against at work for attending court proceedings or for serving as a witness in a criminal case.

** This summary of legal rights in subject to the full text of the statutes. Victims are entitled to rights as set forth in the statutes. If you don't understand your legal rights, you may wish to talk to an attorney or contact the OVA staff.*

SAFE AT HOME

The definition of "home" is a place where one lives; a residence; an environment offering security and happiness. The definition of "safe" is secure from danger, harm, or evil; free from danger or injury. Therefore, by extension, the definition of "safe at home" is a place where one lives that is secure from danger, harm or evil; and environment free from injury which offers security and happiness.

The reality is that many victims of domestic violence and children that witness domestic violence have never known such a place. In fact, according to the State of Connecticut, Department of Public Safety, "2006 Family Violence Detailed Report," there were 19,784 incidents of domestic violence reported. Thirty-eight percent of the offenses either involved children or children were present during the offense.

Connecticut is one of only nineteen states that offer an address confidentiality program for victims of domestic violence, sexual assault and stalking. The Address Confidentiality Program (ACP) participants are residents of the State of Connecticut who have recently relocated **and** whose new location is unknown to the abuser and undocumented in government records. The goal of the ACP is to help victims of family violence, sexual assault and stalking keep their **new** address confidential and not accessible to the abuser. The ACP offers its participants two services each of which helps keep the victim's new location secret:

- The ACP provides cost-free mail forwarding services. The Office of the Secretary of State serves as each program participant's legal agent for service of process and receipt of first class mail.
- The ACP prevents public access to a participant's actual address on government records including voter registry lists and keeps marriage records confidential.

Once a victim has been certified in the program and has received the certification card, it is the responsibility of the victim to then notify all public agencies (local and state) of participation in the program and of the new mailing address. Although private companies (department stores, banks, utility companies, etc.) are not required to accept the substitute address, many do if the participant explains they are a participant of the program and need to have their address held confidential.

To learn more about the Safe at Home Program, contact:

Address Confidentiality Program / Office of the Secretary of State - 860-509-6257
www.sots.state.ct.us

Connecticut Coalition Against Domestic Violence - 1-888-774-2900
www.ctcadv.org

Connecticut Sexual Assault Crisis Services, Inc. - 1-888-999-5545
www.connsacs.org

Connecticut's effort to ensure that every home is a safe home!

Article by: Merit Lajoie
OVA Complaint Officer

USEFUL RESOURCES

"Connecticut Coalition Against Domestic Violence, Inc. (CCADV), Inc. is a membership organization whose purpose is to work together to end Domestic Violence by advocating for victims, and changing the social conditions, beliefs, and social actions that perpetuate abuse against victims of domestic violence."

If you would like to find out more information about this organization, please visit their website at www.ctcadv.org or contact CCADV at::

90 Pitkin Street
East Hartford, CT 06108
888-774-2900

Connecticut Sexual Assault Crisis Services (CONNSACS) is a statewide coalition of independent sexual assault crisis programs, which work together to end sexual violence through victim assistance, community education, and public policy advocacy.

To obtain further information, please visit the CONNSACS website at www.connsacs.org or contact CONNSACS at:

96 Pitkin Street
East Hartford, CT 06108
860-282-9881
Email: info@connsacs.org

The mission of Mothers Against Drunk Driving is to stop drunk driving, support the victims of this violent crime, and prevent underage drinking.

Mother's Against Drunk Driving (MADD), is a national non-profit organization, established in 1980. On average every 40 minutes someone is killed by drunk drivers, and 48% of all alcohol consumed by students attending a four-year college is consumed by underage students, this is why MADD has dedicated 25 years to the mission to stop drunk driving, support the victims of this violent crime and prevent underage drinking.

To find out more information about this organization, please visit their website at www.madd.org/ct/ or contact MADD at:

565 Washington Avenue
North Haven, CT 06473
203-234-6521
Email: MADDCONN@sbcglobal.net

Survivors of Homicide, Inc. (SOH), was founded in 1983 by a group of families trying to cope with the murder of a loved one. Today, Survivors of Homicide have become advocates for all victims of violent crime. Members of SOH receive free services such as support group meetings, planning & business meetings to further our advocacy, educational goals, member newsletter, and personal advocacy. Additionally, you receive support throughout the judicial process and beyond.

To obtain further information, please visit the Survivors of Homicide website at www.survivorsofhomicide.com or contact SOH at:

530 Silas Deane Highway
Suite 380
Wethersfield, CT 06109
860-257-7388
Email: Survivors@snet.net

RESOURCES CONTINUED...

Office of Victim Services

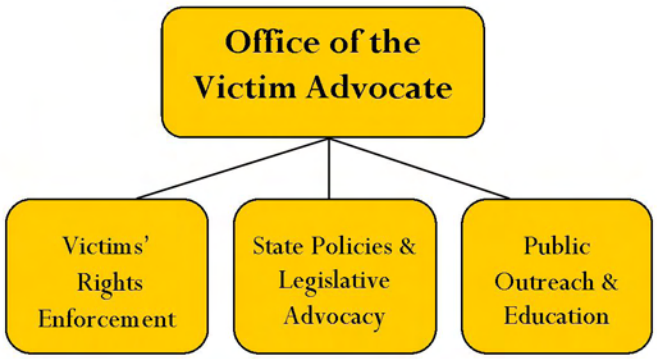
The Office of Victim Services (OVS), Connecticut Judicial Branch provides information, services, and financial assistance to crime victims and their families. Services provided by the OVS include:

- Crime Victim Compensation
- Court-based victim services advocacy
- In-State Toll-free Helpline
- Victim Notification
- Services for Families of Homicide Victims
- Funding to Community-based Non-profit Agencies
- Community Education and Training on Victims' Rights and Services

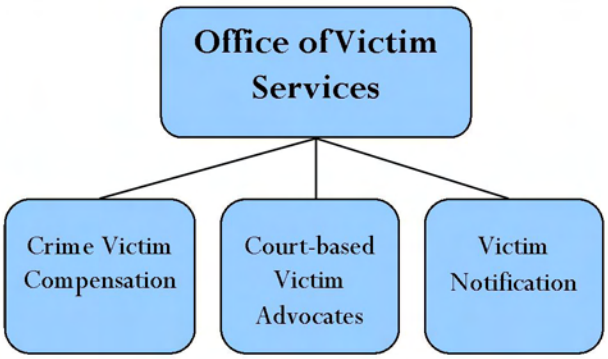
To find out more about the services that the OVS provides, go to the Judicial Website at www.jud.ct.gov/crimevictim or contact the Office of the Victim Services at:

225 Spring Street, 4th Floor
Wethersfield, CT 06109
(860) 263-2760
(800) 822-8428

WHAT ARE THE DIFFERENCES BETWEEN THE OFFICE OF THE VICTIM ADVOCATE AND THE OFFICE OF VICTIM SERVICES?



The Office of the Victim Advocate
505 Hudson Street, 5th Floor
Hartford, CT 06106
(860) 550-6632
(888) 771-3126 (CT Only)
Website: www.ova.state.ct.us



The Office of Victim Services
225 Spring Street, 4th Floor
Wethersfield, CT 06109
(860) 263-2760
(800) 822-8428 (CT Only)
Website: www.jud.ct.gov

WHAT IS A PROTECTIVE ORDER?

Did you know that Crime victims in Connecticut have a state constitutional right to be reasonably protected from the accused throughout the criminal justice process? Victims can exercise this right at any time during the pendency of a criminal prosecution. One of the tools that can help protect the safety of a victim is a protective order.

What Is A Protective Order?

A Protective order is an order issued by the Criminal Courts. Typically the protective order is issued at arraignment but it can be issued at any time during the pending criminal proceeding.

When Are Crime Victims Eligible To Receive A Protective Order?

A crime victim may obtain a protective order upon the arrest of the offender for family violence, stalking or harassment crimes. Public Act 08-84 expanded courts' authority to issue protective orders. Beginning on October 1, 2008, the court may also issue a protective order when a person is arrested for committing or attempting to commit certain risk of injury offenses against a child under the age of 16, sexual assault in the first, second, third, or fourth-degree, first-degree aggravated sexual assault, aggravated assault of a minor, or third-degree sexual assault with a firearm.

Will The Offender Be Notified Of The Issuance Of The Protective Order?

Yes, notice of the order is provided to the defendant at court during a court proceeding.

What Happens After A Judge Issues A Protective Order?

Once a protective order is issued by the court, the court clerk must send a copy of the protective order to the crime victim. The court clerk must also send a certified copy of the order, within forty-eight (48) hours of its issuance, to the appropriate law enforcement agency/agencies.

What Happens if The Offender Violates the Protective Order?

If the offender violates the protective order he/she could be charged with criminal violation of a protective order which is a class D felony, punishable by up to 5 years in prison, a $5,000 fine, or both. A violation of the protective order also violates bail or release conditions and may result in a court raising the amount of the offender's bail or revoking the offender's release.

How Long Does the Protective Order Last?

A protective order may remain in effect until the disposition of the criminal case. In certain cases, a victim may be entitled to obtain a standing criminal restraining order which may remain in effect indefinitely until further order of the criminal court. In some situations, it may be advisable for a victim to also seek a restraining order in family court for additional court-ordered protection.

Article by: Hakima Bey-Coon
OVA Staff Attorney

Crime Victim Quarterly Advertisements

☐ 1/4 Page Advertisement	$ 25.00
☐ 1/2 Page Advertisement	$ 50.00
☐ Full Page Advertisement	$100.00
Subtotal:	_____
Tax:	_____
Total:	_____

Name _____

Address _____

Phone _____

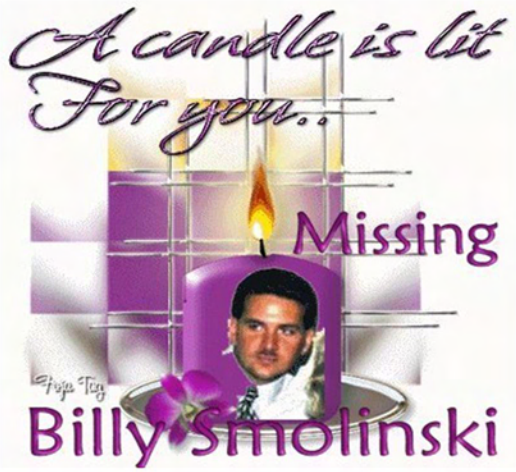
Signature _____

PLACE AN ARTICLE IN THE *NEW* VICTIMS' VOICE

Please submit articles or dedications to:

The Office of the Victim Advocate
Crime Victim Quarterly
505 Hudson Street, 5th Floor
Hartford, CT 06106

MISSING



Date of Birth: January 14, 1973

Place of Birth: Connecticut

Sex: Male

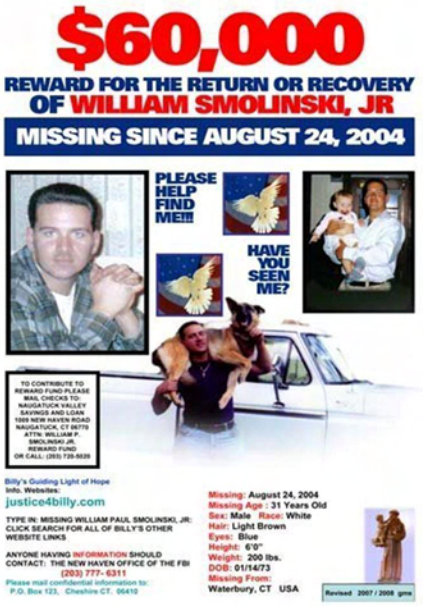
Race: White

Eyes: Blue

Hair: Light Brown

Height: 6'0"

Weight: 200 pounds



Remarks: *Smolinski goes by the nicknames of "Bill" and "Billy". He has his left ear pierced and wears a small diamond earring. Smolinski has the following tattoos: a blue cross on his left forearm bearing the name "Pruitt", and a blue cross on his right shoulder outlined in orange.*

William (Billy) Smolinski Jr. 31, disappeared on August 24, 2004, from Waterbury, Connecticut, two days after he returned home from a West Palm Beach, Florida trip that had been disappointing. Paula, Billy's sister spent a couple of hours talking with him at his home the day after his return. She said despite his disappointing trip to Florida, "he was happy to start over and his out look on life was great." That same night on August 23, Billy asked Mary Ellen, a long time friend and co-owner of Harlie, Billy's German Shepherd, to go to Six Flags Amusement park the following Saturday. Mary Ellen had been caring for Harlie while Billy was in Florida and he wanted to spend the Saturday to catch up and thank her for her help. The two had a close relationship. By his nature, Billy was not one to make a commitment without following through.

Billy had owned his home for five years and was very proud of it. He worked many hours at his two jobs to make sure his bills were paid. Once he returned from FL, he continued working at Durable Towing. On the day of his disappearance he learned he was temporarily laid off from another job, where he was an apprentice of a heating and air conditioning company located in Newtown, Connecticut. Billy, despite the lay off was OK with the temporary lay. He was grateful, for his towing job at Durable that offered him more hours. On the day of his disappearance, according to a neighbor, Billy approached him and said he was going up north for three days, could he take care of his shepherd?

At three o'clock the day of disappearance his family found a receipt in his home trash bin from Burger King. He did not show up that evening at his towing job where he was scheduled to work at six o'clock that evening, he did not call work, this was totally out of character for Billy. The following morning the neighbor went to take care of the dog and there was no key for entry into Billy's home. The neighbor called Billy's friend Mary Ellen. She went to Billy's home to take care of Harlie and was immediately concerned and called Billy's family. Billy's truck was parked in an area of his driveway where he never parked. His wallet and keys were found under the seat of his truck two weeks into his disappearance. Billy's truck was also broken into two weeks into his disappearance with things from the glove compartment thrown about the seat. Since Billy's neighbor was misinformed and was told he had to wait three days before the police could take a report, the family waited. The family is still waiting and it has been over four years since Billy went missing. If anyone has any information about the disappearance of Billy please contact the New Haven Connecticut office of the FBI.

Article by: Janice Smolinski

THE 24 HOUR MYTH

DON'T WAIT - REPORT A PERSON MISSING IMMEDIATELY

There is a longstanding myth in the United States that Law Enforcement Agencies make nervous families wait 24 hours to report a missing person. Why has this become so ingrained into people that they can't let go of this myth? Is it television and the movies that have helped keep this myth alive?

Time is the one thing we can't recover, it is important to start the process to help locate your loved one. When it becomes learned that a person is missing, this is when you take action and call our local law enforcement agency to start the ball in motion to help law enforcement help you. There is also no age restriction on a missing person.

What can be expected of you as the complainant in a missing person case? The first thing to do is to stay calm when the dispatcher may ask you several questions about the missing person prior to the officer being dispatched. The reason for this is so the person who is missing may be in the area and a description can be broadcasted to the other area police officers who are in a different district.

When the officer arrives he/she will ask these questions: the name of the missing person, address, sex, height, weight, hair color, and eye color. They will also ask for cell phone numbers and a vehicle description. The officer may ask for a photograph as well. The information may seem senseless as you feel the officer should be out looking for the missing person, but this information is a critical part of the search.
This information is entered into the Connecticut on Line Law Enforcement Communication Teleprocessing system (COLLECT), and then is routed to the National Crime Information Center (NCIC). These two centers are basically the 24 hour network news for Law Enforcement in the state. The COLLECT center places a statewide broadcast of the missing person and a national broadcast is handled by NCIC.

Connecticut has addressed this issue with the passing of a Public Act 07-151. This Act is a new set of guidelines that Law Enforcement will follow in handling a missing person's case with **no wait time** in accepting the complaint.

Article by: Kevin J. McCarthy
OVA Complaint Officer

SAVE THE DATE

WHAT: Victims' Voice Day

WHEN: Wednesday, March 25, 2009
10:00 a.m. – 2:00 p.m.
WHERE: All Across Connecticut

The goal of Victims' Voice Day is to provide crime victims an opportunity to lend support to important legislative proposals that affect crime victims' rights and the services that are available to crime victims in Connecticut. Let your voice be heard!

At various sites across the state, between 10:00 a.m. and 2:00 p.m. crime victims will be able to stop by and review various legislative proposals that improve the delivery of services to crime victims. Letters of support will be available for crime victims to sign and then will be forwarded to the members of the General Assembly.

Stand up and be heard! Visit the Office of the Victim Advocate's website at www.ova.state.ct.us for more information or call (toll free in CT) 1-888-771-3126.

SAVE THE DATES!

13th Annual Melanie Ilene Rieger
Memorial Conference Against Violence
MAY 13 & 14, 2009

Department of Correction
Maloney Center for Training & Staff Development
245 Jarvis Street; Cheshire, CT
"Hate Crimes: Schools & Communities at Risk"

Among the scheduled speakers are *Mildred Muhammed*, the DC Sniper's Wife and founder of After the Trauma, Inc.; *Christine McFadden*, returns to the conference to bring an inspirational and emotional message of surviving the violent murders of her 4 children: Melanie, Stanley, Stuart & Michelle, and severe depression to her marriage to Gerald Corman, a Merced family law judge & the birth of their twin daughters Nicole & Claire; *Marc Klass*, President of the Klass Kids Foundation discussing " Human Trafficking" and many more.

A panel will be presented comprised of distinguished professionals moderated by WVIT Channel 30's Tom Monahan.

For Information:
Please call Dr. Sam Rieger at (203) 756-8080
or email SRIEGER243@att.net

Website: www.melanieriegerconference.com