The Office of the Victim Advocate

Garvin G. Ambrose, Esq., State Victim Advocate
1996: Passage of the Victims’ Rights Amendment to the Constitution of the State of CT

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

What happens if a crime victim’s rights are violated?

1998: Creation of the Office of the Victim Advocate

- Enforcement agency for the protection and promotion of the Constitutional rights of crime victims
- Modeled after the Office of the Child Advocate
In all criminal prosecutions, a victim, as the General Assembly may define by law, shall have the following rights:

- The right to be treated with fairness and respect throughout the criminal justice process;
- The right to timely disposition of the case following arrest of the accused, provided no right of the accused is abridged;
- The right to be reasonably protected from the accused throughout the criminal justice process;
- The right to notification of court proceedings;
- The right to attend the trial and all other court proceedings the accused has the right to attend, unless such person is to testify and the court determines that such person’s testimony would be materially affected if such person hears other testimony;
- The right to communicate with the prosecution;
- The right to object to or support any plea agreement entered into by the accused and the prosecution and to make a statement to the court prior to the acceptance by the court of the plea of guilty or nolo contendere by the accused;
- The right to make a statement to the court at sentencing;
- The right to restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law;
- The right to information about the arrest, conviction, sentence, imprisonment and release of the accused.

The General Assembly shall provide by law for the enforcement of this subsection. Nothing in this subsection or in any law enacted pursuant to this subsection shall be construed as creating a basis for vacating a conviction or ground for appellate relief in any criminal case.
What do the Constitutional rights mean?

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

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

Rights to participate in process
- Communicate with prosecution
- Attend court proceedings
- Object to or support any plea agreement
- Address the court at plea and at sentencing
What the Constitutional rights **DON’T** mean

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

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

**Enforcement**
- Violation of a victim’s right is not a basis for vacating a conviction
- Victims cannot appeal a conviction or sentence
**C.G.S. § 1-1k** – Except as otherwise provided by the general statutes, "victim of crime" or "crime victim" means an individual who suffers direct or threatened physical, emotional or financial harm as a result of a crime and includes immediate family members of a minor, incompetent individual or homicide victim and a person designated by a homicide victim in accordance with section 1-56r.

For purposes of the Office of the Victim Advocate

<table>
<thead>
<tr>
<th>Office of Victim Services; C.G.S. § 54-201:</th>
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<tbody>
<tr>
<td>A person who is injured or killed as provided in section 54-209.</td>
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**For purposes of victim compensation**

<table>
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<tr>
<th>Department of Correction; C.G.S. § 18-81e:</th>
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<tr>
<td>For the purposes of this section, &quot;victim&quot; includes the legal representative of the victim or a member of the deceased victim's immediate family.</td>
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**For purposes of notification of an inmate's release**

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<tr>
<th>Board of Pardons and Paroles; C.G.S. § 54-126a:</th>
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<tbody>
<tr>
<td>For the purposes of this section, &quot;victim&quot; means a person who is a victim of a crime, the legal representative of such person, a member of a deceased victim's immediate family or a person designated by a deceased victim in accordance with section 1-56r.</td>
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**For purposes of participation at parole hearings**
Introduction to the Office of the Victim Advocate (OVA)
# OVA STAFF

<table>
<thead>
<tr>
<th>State Victim Advocate, Garvin G. Ambrose, Esq.</th>
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<tbody>
<tr>
<td><strong>Staff Attorney</strong>, Hakima Bey-Coon</td>
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<td><strong>Complaint Officer</strong>, Merit Lajoie</td>
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<tr>
<td><strong>Outreach and Education Project Manager</strong>, Laura Stefon</td>
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<td><strong>Secretary</strong>, Vanessa Deleon</td>
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Statutory responsibilities
Connecticut General Statutes Section 46a-13c

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

- Evaluate the delivery of services to victims
  - Coordinate and cooperate with public and private entities
  - Review the procedures established by public and private entities
  - Monitor the services provided by the Office of the Chief Medical Examiner & the Witness Protection Program

- Receive and Review complaints (Victim rights enforcement)
  - Conduct investigation when necessary
  - Identify gaps in services
  - File a limited special appearance

- Conduct programs of public education and outreach
  - Recommend changes in state policy or legislation
  - Ensure a centralized location for victim services information
OVA in Action

**Intake**
- Gather information
- Query databases
- Referrals

**Assessment**
- Agency contacts
- Request records
- Review statutes
- Review case law

**Action**
- Attendance in court
- Meeting with prosecutor
- Written notifications to court
Victim files complaint: Restitution

**Intake**
- Gather information: Defendant name; Status of criminal matter
- Query databases: Judicial website; pending/conviction case information

**Assessment**
- Contact prosecutor, victim advocate and/or probation
- Request court records; View transcripts

**Action**
- Send written notification to court on behalf of victim
- Attend court proceedings to advocate for victim’s right
OVA in Action: Systemic Issues

Intake
- Is this a recurring complaint
- Is the issue geographical/state wide

Assessment
- Request statistics
- Request agency policy/procedures

Action
- Recommend policy improvement
- Recommend training
CT’s Victim Services Delivery System
The Office of Victim Services, Judicial Branch (OVS)
Lead agency that provides the **direct** services

<table>
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<tr>
<th>Victim Services Advocate</th>
<th>Compensation</th>
<th>Notification</th>
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<tbody>
<tr>
<td>Must prioritize cases that involve physical injury or death</td>
<td>Application process</td>
<td>Statewide Automated Victim Information and Notification System (SAVIN) provides notification of pending criminal case information</td>
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<tr>
<td>Duties are statutorily defined</td>
<td>Limited to certain expenses, including medical/dental reimbursement and funeral expenses</td>
<td>Toll-free helpline</td>
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<td>Total of 45 criminal courts yet there are only 28 Victim Services advocates</td>
<td>Payer of last resort</td>
<td>Post-conviction notification of inmate status to registered victims</td>
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<td>Contracts with the CT Coalition Against Domestic Violence (CCADV) for family violence victim advocates</td>
<td>Does not compensate for property loss</td>
<td>Clearinghouse for victim information</td>
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<td>Referrals for services, such as counseling</td>
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<td>Referral to community services</td>
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Four core non-profit victim service entities

- Assist victims of domestic violence
- Assist victims of drunk driving
- Assist surviving family members of victims of homicide
- Assist victims of sexual assault
Other state agencies

Department of Correction, Victim Services Unit
- Notification of inmate status (pre and post conviction)

Department of Children and Families
- Any crime committed against a child or a child present
- Office of the Child Advocate

Department of Consumer Protection
- Crime related to a service provided by a person or business licensed with the state

Office of Protection & Advocacy for Persons with Disabilities

Department of Public Health
- Crime committed by a licensed professional

Office of the Chief Medical Examiner
- Autopsy records/death certificates
Victim centered approach

- **Victim or Surviving family member**
  - **ConnSacs**
    - Support services
    - Court escort
  - **SOH**
    - Support services
    - Court escort
  - **MADD**
    - Support services
    - Court escort
  - **OVS/VSA**
    - Compensation
    - Court advocacy
    - Notification
  - **FVVA (CCADV)**
    - Safety planning
    - Emergency shelter
    - Support services
    - Court advocacy
Overlap of services

- ConnSacs: Court Escort
- FVVA: In court Advocacy
- VSA: In court Advocacy
- MADD: Court Escort
- SOH: Court Escort
### Example: Victim of domestic violence murdered by estranged husband

| VSA       | • Court Advocacy  
|           | • Compensation  
<table>
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<tr>
<th></th>
<th>• Notification</th>
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</table>
| FVVA      | • Safety planning  
|           | • DV services  
|           | • Support services |
| SOH       | • Support group  
|           | • Court escort  |
How does the OVA fit in?
Types of complaints

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

Types of intervention

• Notification of rights
• Improve communication
• Referrals to direct services
• Education of criminal justice process
• Investigate
• Court advocacy
Surviving family of drunk driving homicide

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

VSA
- Notification
- Court advocacy

MADD
- Support services
- Court escort

OVA
- Meeting with prosecutor
- Assert victim’s rights
Resolution of complaint

• State’s Attorney filed motion for timely disposition
  • Inform court of status of defense attorney
  • Victims’ Right to timely disposition

• New prosecutor assigned
  • Improved communication with victim’s family

• Education on criminal justice process
  • New defense attorney assigned
  • Plea agreement negotiated

• Court advocacy
  • Attendance in court with victims
  • Case resolved December 2009 through plea agreement
OVS or OVA?
Difference between OVS and OVA

**OVS: Direct Services**
- Victim Services Advocate
- Compensation
- Notification

**OVS: Oversight and Enforcement**
- Victim Rights enforcement
- Public policy and legislation
- Public education and outreach
OVS or OVA?

OVS: Front line workers

OVA: Problem solvers
Who are you going to call?

Complaint

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

OVS

Complaint about victim advocate

Medical expenses from drunk driver

Restraining order applications are made in family court.

OVA

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

PRESENT VICTIM
(resolve complaint)
- Document complaint
- Attend court or other proceedings
- File appearance/motion
- Meet with criminal justice professionals
- Provide appropriate referrals and information
- Provide information about crime victims’ rights and criminal justice system

SYSTEMIC
(prevention)
- Request data
- Research
- Inquiry/Investigation
- Identify gaps in services
- Policy/Legislative change
- Training/education
- Task forces/Commissions
- MOU’s with agencies
Questions?

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