

# V. R. E. A. C

Victims' Rights Enforcement Advisory Commission

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## Minutes

**WEDNESDAY, JUNE 18, 2014**  
**Legislative Office Building, Room 1B**  
**300 Capitol Ave., Hartford**  
**2:00 – 4:00p.m.**

**Members present:** Garvin G. Ambrose; Patrick L. Carroll, III; Linda J. Cimino; Laura Cordes; James E. Dzurenda; Janice Heggie Margolis (represented by Jennifer Rossi); Karen Jarmoc (represented by Nancy Turner); Kevin T. Kane; Jillian Knox; Anne Mahoney; Jessica Norton; Bethany Phillips; James C. Rovella (represented by Brian Foley); Dora B. Schriro; Susan O. Storey; Andrew Woods

**Members absent:** Marcy Carlone; Mario T. Gaboury; Carleton J. Giles; Ana Gonzalez; Dawn Luddy

**Commission Staff:** Merit Lajoie; Jackson Etting (intern)

### Welcome and Introductions --- Call to Order at 2:02 pm

- a. Membership Introductions
  - Members introduced themselves and stated what agency they are representing.
- b. Approval of the minutes – May 28, 2014
  - Motion: Kevin T. Kane
  - Second: Brian Foley
    - o Comments:
      - Laura Cordes requested to replace “concerned about sending a representative to a subcommittee meeting.” (pg.3, section 3) to “concerned about having staff available to cover all subcommittee meetings.”
      - Linda J. Cimino requested to change “Department of Victim Services” (pg. 3, section 2) to “Office of Victim Services”.
    - o Unanimous approval of the minutes as amended.
- c. Commission Correspondence
  - Claude Young contacted Chairman Ambrose via email and telephone in regards to potential complaints. Claude Young was informed that the commission would be meeting today, June 18, and that he would be able to voice his opinion during the public comment section of the meeting. As with the legislature, the allotted time to speak would be limited to three minutes.
  - No other correspondence was received or presented.

### Discussion Topics

- d. Definition of Crime Victim

- On May 28, the Commission discussed the potential of a universal, or uniform, definition of crime victim. The Office of the Victim Advocate created a document and chart to consolidate the various definitions of crime victim. The document and chart were explained by Merit Lajoie. The proposed universal definition encompasses all victims within the statutes, excluding 52-201 because it is a separate definition for compensation purposes for the Office of Victim Services.
    - o Comments:
 

Anne Mahoney questioned whether or not the various statutory definitions result in a service barrier.

Jessica Norton and Linda Cimino made suggestions in regards to expanding the definition of immediately family or changing the proposed universal definition to include family members who do not abide by the normal family construct (such as fiancés and primary care providers who are not legal guardians as such persons are not protected under any other statutes.)

Susan O. Storey suggested holding a public hearing for the potential of a universal definition before the Commission makes a decision on the definition.

Patrick L. Carroll, III commented that there needs to be more thought and analysis before there is a voice vote and recommended getting the AG's office involved in providing guidance.

Garvin G. Ambrose commented that he was hoping for a potential vote for today's meeting; however, based on the concerns, the Commission will continue discussing the proposed definition and possibly hold a public hearing before the Commission votes.
  - The proposed universal definition of crime victim was tabled.
- e. Agency Policy/Procedures
- Agencies are to submit their policies and procedures to OVA in efforts to remove burdens for victims, establish an effective way to educate victims of their constitutional and statutory rights, and the available services.
  - It is a goal of the Commission to explore the possibility of a state-wide model policy, so that victims are treated the same regardless of the jurisdiction of the crime.
    - o Comments:
 

Patrick L. Carroll, III provided policy information.

Dora B. Schriro will check with POST to see what they have, and will include training for municipal police agencies.
- f. Agency Barriers
- There are certain barriers for victims, agencies and prosecutors. The commission is to alleviate these barriers through statutory changes, policies, or education.
    - Each member or representative was asked to identify any barriers that their agency had with regards to adherence with the rights of crime victims. Identified barriers include language barriers, resource barriers, facility barriers, lack of training, inability for victims to self-identify in dual arrest, data/information barriers, insufficient amount of victim advocates, notification barriers, caseload barriers and practical problems (such as the burden to attend every court

appearance once the victim attends the pre-trial). There was discussion about the victim/s right to be notified of and object to a plea; discussion about the barriers regarding the required presence of victims at court proceedings once the victim/s attend the pre-trial proceeding; discussion about the possible approaches the court may take with an “accept or reject today” type of plea when the victim is not present for the plea; discussion about violation of the court going forward and accepting a plea without notifying the victim of such plea.

- Further comments in regards to these matters were given by Garvin G. Ambrose and Kevin T. Kane.
- In regards to police officer training barriers, Garvin G. Ambrose recommended to discuss possible training with other agencies.
- Anne Mahoney shared the steps that the Hartford court case takes to ensure that the victim is notified of the plea, and accommodating for victims who wish to be present for the plea.
  - Garvin G. Ambrose commented that Hartford handles the situation correctly per statute; however, this is not consistent throughout the state; therefore, it may be necessary to institute a state-wide model policy or training.
  - Bethany Phillips commented that the subcommittees will need to thoroughly examine the possibility for enacting broad policy changes because the state-wide policy may affect numerous cases; e.g., if a purse with \$100 is stolen and a defendant is ready for a plea.

## Subcommittees

- g. Assignment
  - The three subcommittees are:
    - o Subcommittee for Pre-arrest and Arraignment – chaired by Dora B. Schriro, Commissioner, DESPP
    - o Subcommittee for Prosecution and Conviction – chaired by Kevin T. Kane, Esq., Chief State’s Attorney
    - o Subcommittee for Post-Conviction and Violation Status – chaired by Marcy Carlone, University of St. Joseph
  - Members of the subcommittees were announced.
    - o Comments:  
Kevin T. Kane expressed opinion that the Subcommittee for Post-Conviction and Violation Status is not comprised of the appropriate members for the issues it will be examining.
  - Subcommittee chairs can bring in experts on a certain issue from within the Commission.
  - Commission members can choose to serve on more than one subcommittee.
- h. Responsibilities
  - The responsibilities of the subcommittees were outlined and can be found on the document distributed during the meeting.
  - Subcommittees are required to meet at least once between full commission meetings.
  - Subcommittees are to have a preliminary report by October 1.

- The method for holding subcommittee meetings (e.g., telephonically or in-person) are to be determined by the subcommittee chairperson.
  - An OVA staff member will be present at subcommittee meetings.
- Issues to consider for subcommittee meetings include:
  1. Whether or not a rule to mandate the state-wide issuance of Written Orders of Restitution (form JD-CR-130) is necessary.
  2. Educating victims of their rights and responsibilities.
    - a. There are certain statutes that are burdensome for victims; 54-91c, for example, requires that the victim, for pleas, notifies the state's attorney and provides a stamped envelope; however, in the same section, if a police officer is the victim, the state's attorney is required to notify the police officer of the plea.
      - i. In regards to the notification aspect, the Commission is looking to treat all victims the same, whether it requires the removal of burdens or statutory changes to educate victims of their rights and responsibilities. Please refer to pages seventy-three to ninety-eight of the distributed document for the statutory burdens on victims.
  3. Training for prosecutors, court advocates and judges to inform victims, prior to the acceptance of a plea or during the time of sentencing, of the effect that release mechanisms such as RREC and others through the DOC has on an inmate's total sentence.
  4. Issues of notification system-wide through the Division of Criminal Justice, OVS and the Judicial Branch.
  5. Exploring the possibility of creating a system of vertical prosecution for certain types of cases.
  6. Exploring the possibility of mandatory annual training from service providers. (e.g., CCADV, MADD, or CONNSACS conducting training for police officers or judges.)
  7. Recommendation for an increase in the number of Office of Victim Services advocates, family violence victim advocates and sexual assault advocates, with the intention of having at least one advocate in every court, to ensure that victims are appropriately served. There are currently only three advocates for twelve juvenile courts. Having an increase in advocates can correlate to a decrease in other service violations and an increase in victim notification and education.
    - o Comments:
 

Jessica Norton expressed support for an increase in the number of victim advocates.

Linda J. Cimino commented that statutes that lack clarity create barriers.

Garvin G. Ambrose noted that it is a goal of the Commission to provide statutory clarity, especially in regards to the victim education and notification statutes.

James E. Dzurenda publically thanked Chairman Ambrose for his work as the State Victim Advocate.

### **Public Comment**

- No public comment was given.

### **Other Business**

- Chairman Ambrose announced his resignation effective July 18 with his tentative last day in office being July 11. Also thanked the Commission members for their support and the OVA staff for their work.
- Due to the legislature being out of session, an interim State Victim Advocate can be named and begin working, but may not be confirmed until the legislature convenes next session. Announced that OVA staff attorney, Hakima Bey-Coon, will be the interim Chairperson of the Commission until a new State Victim Advocate is named.

### **Wrap Up and Next Meeting Date – July 16, 2014**

- Chairman Ambrose commented that he will be available to come to the next meeting on July 16 if necessary.
- Also commented that he and Merit Lajoie will be attending a conference in Oregon for the National Crime Victim Law Institute from June 19-21, where he will speak with potential expert speakers Meg Garvin, Doug Beloof and Paul Cassell, in regards to speaking to the Commission at the next meeting on July 16, either electronically or in person.
- The first potential public hearing is on August 20. If any commission members have any recommendations for possible locations and transportation for victims, please contact Chairman Ambrose.

### **Adjournment at 3:42 pm**

- Motion: Brian Foley (representing James C. Rovella)
- Second: Kevin T. Kane