

# V. R. E. A. C

Victims' Rights Enforcement Advisory Commission

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## Minutes

**WEDNESDAY, AUGUST 20, 2014**  
**Legislative Office Building, Room 1B**  
**300 Capitol Ave., Hartford**  
**2:00 – 4:00p.m.**

Link to video of meeting: <http://ct-n.com/ondemand.asp?ID=10602>

### 1. Welcome and Introductions --- The meeting was called to order at 2:04pm.

#### a. Membership Introductions:

**Members Present:** Hakima Bey-Coon, Esq., Merit Lajoie, Nancy Turner (in place for Karen Jarmoc), Tina Bouchard (in place for Linda J. Cimino), Anne Mahoney, Esq., Jessica Norton, Laura Cordes, Janice Heggie Margolis, James C. Rovella, Carleton Giles, Andrew Woods, Jillian Knox, Karen Martucci (in place for James Dzurenda), Dawn Luddy, and Dora B. Schriro

**Members Absent:** Hon. Patrick L. Carroll, III, Mario T Gaboury, Esq., Ana Gonzalez, Kevin T. Kane, Esq., Bethany Phillips, Esq., Susan O. Storey, Esq.

**Guests:** Len Suzio, Mike Lawlor, Dawn Luddy, Emily Landers

Hakima explained that the guest at the meeting are members of the OVA Advisory Committee seeking input from V.R.E.A.C members concerning attributes, skills and qualities all would like to see in the next State Victim Advocate.

#### b. Approval of Minutes – July 16, 2014

One correction made. A motion to approve the minutes was made and seconded. The minutes were approved and accepted.

#### c. Commission Correspondence

##### i. No new correspondence

### 2. Discussion Topic: Victim Survey

Several changes have been made to the survey. The rating system of numbers 1-5 was removed and now the survey simply seeks a “yes” or “no” response. Dawn Luddy inquired as to whether the survey included a question concerning which police department the victim worked with. It was determined that the survey did not already include that question. The question can be added under section 3, under “c”.

Laura Cordes suggested adding a question to the survey regarding acknowledgment of the application process for victim compensation. The question should read, were you informed about victim compensation? Yes or No. This question will be added as question #6.

### **3. Advisory Committee to the Office of the Victim Advocate - Seeking input on the qualifications for the new State Victim Advocate:**

OVA Advisory Chairman Mike Lawlor spoke about the selection process for a new State Victim Advocate.

Hakima asked for the V.R.E.A.C members' thoughts and comments on the qualities for the new State Victim Advocate.

- Janice Heggie Margolis, Executive Director of the CT MADD chapter, said she really liked how Garvin took the time to come into their office to see what they do. He was very open and she would like the same qualities in the next State Victim Advocate.
- Jessica Norton from Survivors of Homicide stated she would really like to see someone with a bedside manner like Garvin.
- Laura Cordes from CT Sexual Assault Crisis Services (CONNSACS) stated she really would like to have someone with the same qualities as Garvin; someone who collaborates efforts with their office, who coordinates with their office to plan projects together, and also works together to solve problems with one another.
- Senior State's Attorney Anne Mahoney suggested that the new Victim Advocate be someone who will work collaboratively with prosecutors and be an attorney who could file an appearance on behalf of victims in court.

Mike Lawlor pointed out that there may be some confusion about what services are attached to the OVA, OVS, and advocates in general, even though the statutes outline the duties of each office, but the victims may not know who to turn to.

- A discussion then arises concerning what the OVS provides vs. the OVA.

Mike Lawlor suggested that maybe the Commission would discuss a name change for the OVA as there was an acknowledgement by the Commission that there is a lot of confusion with the OVA versus victim advocate service providers.

### **4. Public comment**

*Len Suzio, OVA Advisory Member*

Len Suzio stated that he organized an informal outreach meeting. He explained that the purpose of this meeting was to seek input from crime victims and their families for qualifications they would like to see in the next State Victim Advocate. He said the discussions included the role of the State Victim Advocate, how the Victim Advocate would lobby to work with the legislature which would advance legislation for crime-victims, and to oppose any legislation that the Advocate finds offensive to them. He said that the public that gave input thought that this should be an interest of the Victim Advocate. He also stated that the person appointed should have in their background, the experience in lobbying for such interest. He says the office is an independent office; free of any political influence and that once the Victim Advocate is appointed, they are not subject to any review. Mr. Suzio says that Dr. Petit and others at the meeting think that it is very important that this individual is able to work independently without being influenced by political parties or entities. Mr. Suzio further stated that the characteristics of the Advocate must be strong in advocating independently and to have the working skills to understand how the State Constitution and the statutes work for victims. Mr. Suzio stated that some victims had expressed that the candidates should be female, simply because so many victims are women. He said that some have expressed

that victims would feel more comfortable with a female advocate vs. a male, especially when the victims have been raped or sexually assaulted. Len Suzio thought the committee should take this into consideration.

Mike Lawlor responded that under State law it is against the law to discriminate against gender and that it would be against the recruiting process. He stated that the Advisory committee will not select a candidate based upon this suggestion.

Mr. Suzio added that there was also a suggestion that it would be better if the individual lives here, has roots in Connecticut and is familiar with the Judicial System in Connecticut.

In response to Mr. Suzio's questions to Mike Lawler concerning the process for receiving resumes, Mike Lawler explained that there is a civil service process for applicants to follow in order to be considered for the OVA position. Merit thanks the advisory committee for coming and giving their input. Thereafter, the Commission continues with the public comment section of the Agenda.

Mike Robinson from West Haven, CT:

Mr. Robinson feels that he was a victim in 2010, by the West Haven police department and by the individual who entered his home. He explains what took place at his home on the day in question. He then states that the West Haven police charged him with assault and Mr. Robinson felt this was because he was Black and the other individual was Caucasian. He states that he did not receive any help from the advocate or anyone else in the court regarding the false arrest case. At a later time, someone from the Milford court assisted him with filling out a restraining order for himself and also on his granddaughter's behalf against the perpetrator from the earlier incident. In the end it was granted. The order was violated numerous times according to Mr. Robinson. He did not call the West Haven police because he felt he would be re-victimized.

In 2012 he finally complained about the violation of his and his granddaughter's protective order. When he complained to the West Haven Police about the violations, they told him they could not do anything for him. Sometime later, the perpetrator was arrested for violating his protective order. Mr. Robinson states that his assault case was eventually dismissed in 2013. He explains that despite the dismissal, he is now facing deportation because he is not an American citizen. Mr. Robinson learned about this Commission meeting and decided to attend to seek help. Hakima suggested to Mr. Robinson that he contact the office (OVA). Merit Lajoie gave him her contact information.

Diana Coletta from Avon, CT:

Diana states she believes her rights have been violated by the court in the case of State of Connecticut v. D. Berti. She believes the initial arrest date was April 4, 2014 and that Mr. Berti had charges for assault and violations of a protective order. Since the original court date, she says she had been very active in the court cases. She has spoken to everyone who has been involved in her case (State prosecutor, Victim Services, Victim Advocate, etc.) She says that everyone at that court house knows who she is. She states that as she was driving on her way to pick her mom up in Montreal, Canada she received a call from Mary Ann from the court house to let her know that Mr. Berti's court date had been moved up from the original court date of 9/5/14 for a bond reduction hearing. Diana stated that the original bond was \$750,000. Diana was unsure whether Mary Ann worked for OVS or family services. Diana states that Mary Ann asked her what she thought about the court date being moved up. Diana states that she did not know what to think, all she knew was that she had to pick up her mother. She pleaded with Mary Ann to not let the court date be moved

forward. She states that Mary Ann told her that she would ask for a continuance. Hakima asked Diana what this new court date was, and Diana stated 8/15/2014 which happened to be the day Diana was going to get her mother.

Diana returned to Connecticut the very next day from picking her mother up in Canada. She went to the court house to find out what had happened in her case. She found out that Mr. Berti pleaded guilty to the assault charges, and one of the charges stemming from the violation of the protective order was dropped. She stated that he was released from jail, and was now free. His sentence included a 2 year suspended jail sentence with a conditional discharge. Diana states that Mr. Berti's probation was terminated despite being ordered recently on a previous case. Diana feels her rights were violated by the court system since the court case went on without her presence and participation.

In response to Hakima's question as to when was she made aware that a plea bargain had been reached, Diana answered that she learned of the plea bargain on the same date of the hearing on 8/15/2014. She reiterated that she was on speaker phone with Mary Ann while she was on her way to pick-up her mother in Canada. Diana states that she pleaded with Mary Ann not to let this happen. Diana did not understand why the court allowed him to plead out. She also did not understand why the court allowed the hearing to take place when she had requested to be present for all court proceedings. Diana stated that her life is like a roller-coaster ride, she is self-employed and is unable to work. Hakima explains to Diana that this is exactly one of the issues the Commission is looking at and that they will be addressing the ramifications when the rights of crime victims have been violated. Hakima explains to Diana the State's Constitutional rights; the right to object to or support a plea agreement, to be there in court, and to address the court at the time of a plea or sentencing. Hakima states to Diana that while she does not have an answer for her today, her story is very helpful to the Commission so that they can see what those violations look like. Hakima thanks Diana for her attendance here today and advises her the OVA will be in contact with her. Janice Heggie Margolis, thanked Diana for her testimony, and adds it is really important for the public, who may be listening here today, to understand the position of the OVA office and how they address and investigate victims' rights violations. Ms. Heggie Margolis says that she believes that the OVA will get to the bottom of this matter.

Mike Lawlor states that he has taken the time to read the transcripts from Mr. Berti's plea agreement hearing, and he sees a problem here. He directs Diana to speak to the CCADV and the OVA to go over the issues with Mr. Berti's plea agreement hearing, because there is clearly a problem with this case.

## **5. Discussion Topics**

Victim Survey – the commission resumed discussions of the victim survey.

The Commission moved on to strategies and ideas of how to disseminate the surveys to victims and victim groups. It was asked if there was a deadline for the survey. It was determined that the surveys should be returned by November 28, 2014. Janice Heggie Margolis stated in a past meeting it was suggested that victim groups distribute to their list of contacts and the survey would be supplied at open public forums and at Commission meetings.

Merit stated, that the forms will be made fillable, and Vanessa will take care of that. The survey will be posted on the OVA website, and Merit is hoping that other agencies and groups would post to their websites as well. Merit was hoping that the survey would be posted the following Friday,

August 29, 2014. The survey will be sent out again with the new changes and if the Commission members have any other changes to submit, to do so right away. Thereafter, Vanessa will disseminate the fillable survey as soon as possible.

#### **6. Update on Future Guest Speaker: Doug Beloof, J.D., Professor of Law**

Law Professor Doug Beloof is the guest speaker at the next Commission meeting on September 17, 2014. Hakima reported that travel arrangements are on track for his September arrival.

#### **7. Subcommittee Reports**

- a. Pre-arrest/Arrestment
  - i. The subcommittee reports they met and discussed state statutes and model policies, and circulated professional standards and policies amongst subcommittee members.
- b. Prosecution/Conviction
- c. Post-conviction/Violation status
  - i. The Subcommittee discussed the notification system, and adding CSSD to their committee. They also discussed a loop hole in the notification system. Victims are not notified when an individual is on probation or has violated probation. However there is notification when offender is on parole, which falls on the Department of Correction. Recommendation #3 is to create a brochure on what agency provides what service to the victim to clarify the roles of each service provider. Recommendation #4 examining the statutes on collection of restitution.

#### **8. Other Business**

- a. Future Discussion Topics
    - i. 50 State Survey of Definitions of Crime Victim  
This topic will be discussed at a future meeting
    - ii. Other Definitions  
Handouts were given explaining definitions within the definitions (see handouts), this also will be discussed at a future meeting
    - iii. Federal and State Enforcement Mechanisms  
This topic will be discussed at a later meeting after the Commission hears from guest speaker Doug Beloof.
  - b. Future Presentations/Public Hearings
    - i. Victim Services and Department of Correction
      - Presenting on Victim Notification System
        - a. On October 15th at the regularly scheduled meeting time.
    - ii. Public Hearings
      - 10/20/14 located at: Albertus Magnus College
        - a. 6:00pm- 8:00pm
      - 10/27/14 located at : Hartford Public Library
        - a. 5:30pm-730pm
- Meetings have not been confirmed. The Commission is also looking for a location down in the Norwich.

9. Next Meeting Date – September 17, 2014

10. The meeting was adjourned at 3:48pm.