

# V. R. E. A. C.

Victims' Rights Enforcement Advisory Commission

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## Minutes

WEDNESDAY, MAY 28, 2014

Legislative Office Building, Room 1B

300 Capitol Ave., Hartford

2:00 – 4:00p.m.

### Members present:

Garvin G. Ambrose; Marcy Carlone; Linda J. Cimino; Laura Cordes; James Dzurenda (represented by Cheryl Cepelak); Carleton J. Giles; Ana Gonzalez; Janice Heggie Margolis; Karen Jarmoc; Kevin T. Kane; Jillian Knox; Dawn Luddy; Anne Mahoney; Jessica Norton; Bethany Phillips; James C. Rovella; Dora Schriro; Susan Storey (represented by Brian Carlow); Andrew Woods

### Members absent:

Patrick L. Carroll, III; Mario T. Gaboury

### Commission Staff:

Hakima Bey-Coon; Merit Lajoie; Laura Stefon; Vanessa M. Deleon; Rachael Dillon (intern); Jackson Etting (intern)

### Welcome and Introductions --- Call to Order at 2:03 pm

- a. Establishment of Victims' Rights Enforcement Advisory Commission
  - The Victims' Rights Enforcement Advisory Commission was established by Governor Malloy on April 7, 2014.
- b. Membership Introductions
  - Each member introduced themselves and the agency they are representing.
- c. Duties of Commission
  - i. Exclusion of Freedom of Information Issue
    - o There were concerns voiced in an Op-Ed piece on the 8<sup>th</sup> of May regarding the belief that the commission is going to be examining Freedom of Information laws pertaining to victims. However, this is not the case. We are explicitly not looking at Freedom of Information laws and only focusing on the enforcement aspect of victim's rights.
- d. Meeting dates
  - The members unanimously accepted the following meeting schedule:

- June 18<sup>th</sup>
- July 16<sup>th</sup>
- August 20<sup>th</sup>
- September 17<sup>th</sup>
- October 1<sup>st</sup>
- October 15<sup>th</sup>
- November 5<sup>th</sup>
- November 19<sup>th</sup>
- December 3<sup>rd</sup>
- December 17<sup>th</sup>
- Motion: Linda J. Cimino
- Second: Carleton J. Giles
- e. Public hearing(s)/Victim input
  - Public hearing(s) have been proposed for three dates: August 20<sup>th</sup>, September 17<sup>th</sup>, and October 15<sup>th</sup>. Each of these hearings are intended to take place at different locations across the state to reach more victims.
  - For public hearings or regular meetings, possible expert guest speakers (either in person or via Skype) include:
    - Meg Garvin: Executive Director of NCVLI (Oregon)
    - Doug Beloof: Professor of Law, NCVLI (Oregon)
    - Susan Herman: Professor at Pace University and Collaboration Policing Deputy Commissioner at NYPD
    - Anne Seymour: Co-founder and Senior Advisor of Justice Solution (a non-profit organization), specializes in criminal justice and crime victim rights and services, and a member of NCVC.
  - Comments:
    - Dawn Luddy: Supports hearings being held at different locations throughout the state and during evening hours.
    - Laura Cordes: Commented to expand public hearings/victim input by including written testimony or feedback from victims, and asked what the time period would be to accept such testimony or feedback. (Question was answered—such testimony will be accepted throughout the duration of the Commission).

## Historical Overview

- f. Constitutional Amendment
  - In 1996, the Connecticut Constitution was amended to provide rights to victims of crime.
- g. Creation of the Office of the Victim Advocate
  - The Office of the Victim Advocate (OVA) was established in 1998 as an enforcement entity to ensure victims were being treated fairly by the system.
  - The Connecticut Constitution prohibits the vacating of a conviction based on violation of victim rights. This is not in the best interest of the victim, and the Commission is to explore what happens when a victim's rights are violated.

h. Definition of Crime Victim

- OVA staff have identified eleven different definitions of “crime victim” in our state. There was interest in exploring the possibility of creating a universal definition for all areas.
- Comments:
  - o Linda J. Cimino: Commented that the definitions may not be as far apart as may be thought. Concerned with an adoption of a universal definition because the Office of Victim Services is broader than what is outlined in 54-201. Examples that were given consist of: the Office of Victim Services, as part of statutory responsibility, governs a compensation program, which provides support to individuals in the court process; Victims Services is responsible for victim notification. These examples fall outside of what is outlined in 54-201, and feels that the state is beginning to adopt a comparable definition, and the discussion may be whether or not the definition is proper or expansive enough.

**Discussion of Framework of Commission**

i. Subcommittees

- There will be a discussion as to whether or not we should utilize subcommittees at the next meeting on June 18<sup>th</sup>, 2014. Potential subcommittees would be broken down by stage of the justice system (pre-arrest and pre-trial, prosecution and diversion, plea and conviction, post-conviction, etc.) and would focus on the victim rights in those areas.
- Comments:
  - o Janice Heggie Margolis: Concerned about having subcommittees because she feels that she will not be informed enough or learn enough information to properly cast a vote, and is concerned about the scenario of sending a representative to a subcommittee. Janice Heggie Margolis also stated that there will be one meeting where she will not be present, but will send a representative on her behalf.
  - o Laura Cordes: Commented that she would like to hear more about the proposal for different subcommittees including their structures at the June 18<sup>th</sup> meeting. Supports having subcommittees, as she feels that the work will warrant subcommittees; however, she is concerned about having staff available to cover all subcommittee meetings.
  - o Kevin T. Kane: Commented to look at how other states operate.
  - o Cheryl Cepelak (representing James E. Dzurenda): Commented that she is a member of the Governor’s Non-profit Cabinet for Health and Human Services. These subcommittees include co-chairs as well as other cabinet members and the subcommittees meet separate between meetings. In regards to research, she commented that the Department of Corrections uses ASCA to conduct surveys from a corrections standpoint.
    - Dawn Luddy proposed a question to Cheryl Cepelak in regards to who ASCA surveys. Cheryl answered that they survey other corrections departments throughout the country and could

conduct surveys about victim rights and advocacy from a corrections standpoint.

- Jessica Norton: Commented that she is a member of the Domestic Violence Fatality Review Committee, and for this committee there are three subcommittees; members choose to be on subcommittee; subcommittee meetings are two hours in duration, and 30 minutes during full committee meetings is dedicated to discussing what the subcommittees talked about.
- j. Operating Principles
- The commission will be operating according to Robert's Rules of Order. Unanimous consent was given regarding the following voting policy:
    - Quorum is eleven members and any voting will be done using simple majority vote of those present. There will be no proxy votes.

### **State Constitutional Rights and Statutory Rights**

- k. Handouts
- Three documents were electronically sent to the commission members on Tuesday, the 27<sup>th</sup> of May. Those documents were compiled by OVA and were the following:
    - List of Crime Victims' Substantive and Procedural Rights and Crime Victims' Rights for Services
    - Connecticut Constitutional and Summary of Statutory Rights of Crime Victims
    - Crime Victims' Rights During Various Stages of the Adult Criminal Process
  - The commission hopes to be able to discuss these during the next meeting on June 18<sup>th</sup>, 2014.
  - Proposed talking points for future meetings:
    - June 18<sup>th</sup>: Review different agency policies
    - July 16<sup>th</sup>: Determine whether and to what extent these provisions have been implemented
    - August 20<sup>th</sup>: If no public hearing, the discussion topic will be the same as on July 16<sup>th</sup>
    - September 17<sup>th</sup>: Whether or not a state model policy is necessary for interactions with crime victims and different police departments, state's attorney offices and family violation advocates
    - October 1<sup>st</sup>: Review rights, remedies, and services in other states and the federal government
    - October 15<sup>th</sup>: Review rights, remedies, and services in other states and the federal government, in addition to public hearings
    - November 5<sup>th</sup>: Hone in on recommendations for Governor Malloy
    - November 19<sup>th</sup>: Hone in on recommendations for Governor Malloy

### **Data Collection (related to crime victims)**

- l. State and Municipal Agency Policies/Procedures/Regulations/Guidelines
- m. Non-profit entity Policies/Procedures/Regulations/Guidelines
- n. Private (for profit) Agency Policies/Procedures/Regulations/Guidelines
- o. Materials provided to crime victims regarding rights and services
  - The commission chair, Garvin Ambrose, requested that each of the agencies represented provide the commission with information regarding how each of the agencies interacts with victims, their regulations, their guidelines, and any information they give to victims. He requested that this information be available for the next meeting for discussion.

**Public Comment**

- No public comment was given

**Wrap Up and Next Meeting Date – June 18, 2014**

**Adjournment at: 2:53 pm**