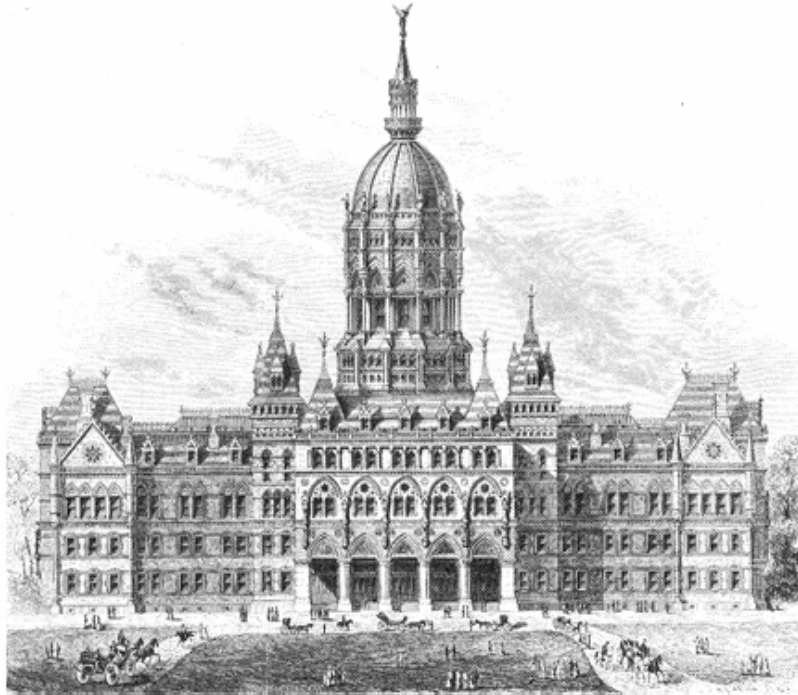


State of Connecticut

Office of the
Victim Advocate

James F. Papillo, Victim Advocate



2005 ANNUAL REPORT

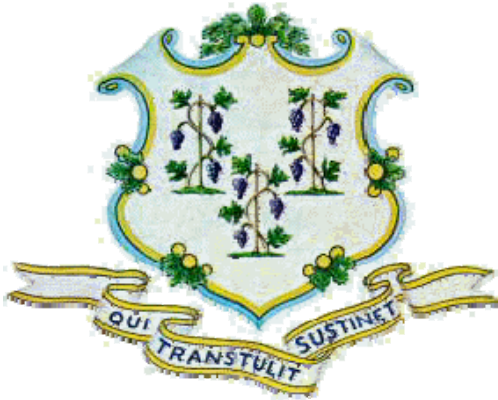
To the Governor and the Connecticut General Assembly



M. Jodi Rell, Governor

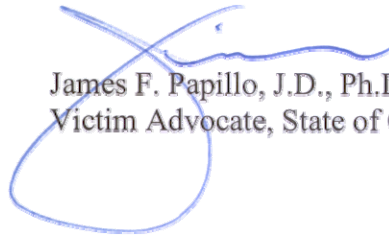
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OFFICE OF THE VICTIM ADVOCATE 2005 ANNUAL REPORT

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CONSTITUTION of the STATE of CONNECTICUT

Article XXIX - Rights of Victims of Crime

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.

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INTRODUCTION

The State of Connecticut continues to make great strides in the area of victims' rights. Since adopting the Victims' Rights Amendment to our state constitution in 1996, Connecticut has enacted many laws intended to provide genuine opportunities for crime victims to effectively participate in the criminal justice process and to require that victims' concerns are addressed by all professionals within the criminal justice system.

Connecticut's victims' rights laws serve to promote respect for crime victims, including their safety, privacy and the interest they have in seeking justice. In addition, such laws serve to foster administrative and judicial sensitivity to the difficulty experienced when crime victims are unexpectedly drawn into an often indifferent but always confusing criminal justice system—often at the very time they are trying to cope with injury and/or the trauma of personal loss.

Connecticut's Victims' Rights Amendment affords crime victims the same protection and status of rights provided to those accused of committing crimes. These state constitutional rights, along with the many other statutory rights afforded Connecticut crime victims, represent a formal acknowledgment on the part of our state lawmakers that crime victims have an important participatory role in Connecticut's criminal justice system.

Subsequent to incorporating victims' rights into our state constitution in 1996 and the creation of the Office of the Victim Advocate (OVA) in 1998, our state lawmakers have continued to demonstrate their strong support for and commitment toward protecting and expanding the rights of crime victims in Connecticut.

For example, Connecticut became the first state in the country to have a law requiring Superior Court judges to advise crime victims of their state constitutional rights in open court just as, each day, judges are required to advise criminal defendants as to their rights at the time of arraignment.

Additionally, Connecticut is one of the few states in the country to provide employment protection to crime victims so that they can attend court proceedings, exercise their rights to participate in the criminal justice process or secure an order of protection in family violence cases without worrying about any form of retaliation from employers.

Beyond the specifics, there is a growing sense among the State Victim Advocate, his staff and others in the victim community as well that, throughout the state of Connecticut, victims' rights and the many issues affecting crime victims have received more attention of late from criminal justice and law enforcement officials. Further, this greater attention to victims' rights is making a difference for crime victims throughout Connecticut in terms of their meaningful participation in the criminal justice process. But there is clearly much more work to be done.

The consistent enforcement of crime victim rights within our criminal justice system continues to be a priority issue that must be addressed. All too often, crime victim rights are not enforced because they have not been incorporated into the daily functioning of all criminal justice professionals. Implementation of rights is often arbitrary and based upon the individual practices and preferences of criminal justice officials. Additionally, with the exception of the creation of the OVA, victims have lacked any enforcement mechanisms, thereby leaving them without adequate remedies to enforce their rights when they are violated.

Much work remains ahead to ensure that rights for crime victims are honored and respected to the same degree as are the fundamental rights of the accused and convicted offenders. We would not tolerate lapses in the enforcement of rights for those accused and convicted of committing crime and we should not tolerate such lapses for crime victims. In the future, the OVA must and will play an important catalytic role in helping accomplish the goal of consistent enforcement of victims' rights in Connecticut's criminal justice system.

The biggest challenge that the OVA faces in trying to effectively assist crime victims throughout the state of Connecticut is one of resources. Since its inception, the State Victim Advocate has had to continually fight to not only maintain its current resources but to also acquire additional staff and other resources to successfully fulfill the statutory mandates to advocate for crime victims' rights and services in Connecticut. When first created in 1998, the OVA staffed three positions, including the State Victim Advocate. Today, seven (7) years later, the OVA has grown to four (4) staff, including the State Victim Advocate. Although our state lawmakers have continued to support legislative initiatives proposed by the State Victim Advocate to expand victims' rights in our state, more support is needed to provide the State Victim Advocate with the adequate resources and tools necessary to realize the mission of the OVA.

Despite its limited resources, the OVA continues to be a unique and effective voice for Connecticut citizens who have been victimized by crime and advocates for crime victims when the criminal justice system or victim service delivery system fails crime victims. The OVA will continue to help ensure that the rights afforded crime victims in Connecticut are honored, respected and enforced throughout the criminal justice system; continue to monitor and evaluate services available and rendered to crime victims; and continue to work to advance and further policies throughout the state that promote the fair and just treatment of crime victims throughout the criminal justice process.

OVERVIEW OF OFFICE OF THE VICTIM ADVOCATE STATUTORY RESPONSIBILITIES AND ACCOMPLISHMENTS

Pursuant to Connecticut General Statutes (C.G.S.) Section 46b-13c, the Victim Advocate may:

- I. Evaluate Connecticut's victim service delivery system [C.G.S. § 46b-13c(1)];**
- II. Coordinate and cooperate with other private and public agencies concerned with the implementation, monitoring and enforcement of the constitutional rights of crime victims and enter into cooperative agreements with public or private agencies for the furtherance of the constitutional rights of crime victims [C.G.S. § 46b-13c(2)];**
- III. Review the procedures established by any state agency or other entity providing services to crime victims with respect to the constitutional rights of crime victims [C.G.S. § 46b-13c(3)].**

Within available appropriations, the Victim Advocate is authorized to evaluate the delivery of services to crime victims by state agencies and those entities that provide services to crime victims, including the delivery of services by Connecticut's Witness Protection Program and the Office of the Chief Medical Examiner [See, C.G.S. 54-82t; §§ 46b-13c(1)].

Due to limited budget and staff resources of the Office of the Victim Advocate (OVA), it was decided early on that the best approach for monitoring and evaluating the criminal justice system's enforcement of victims' rights and the provision of services by Connecticut's victim services delivery system would be based upon the accumulation of complaints received from crime victims and others over time. The OVA simply does not have the resources necessary to conduct an intensive, comprehensive and systematic evaluation of services to crime victims and at the same time carry out its other statutory responsibilities.

The Victim Advocate continues to receive, upon request, extensive policy and procedure materials from major Connecticut victim services providers and OVA staff continue to comprehensively review such materials. Policy and procedure materials are also periodically requested from numerous criminal justice agencies, including state and local police departments, which also are comprehensively reviewed by OVA staff with respect to safeguarding the state constitutional and other rights afforded crime victims.

OVA review of such materials has led to meetings and discussion with various agencies and entities regarding the enforcement and furtherance of victims' rights and the provision of victim services. Based upon victim complaints and OVA review of the policies and procedures adopted by various state agencies, the Victim Advocate has attempted to address specific problems facing Connecticut crime victims through recommended changes to policy and procedures or through legislative changes.

During 2005, the OVA continued to work on the following initiatives:

- The OVA receives many complaints from crime victims regarding court ordered restitution. The OVA initiated a formal investigation into the process employed by the Office of Adult Probation; in particular, the procedures utilized by that agency to enforce such restitution orders. In addition, the OVA utilized the availability of a student intern from the University of Hartford to conduct a comparison of Connecticut restitution laws and enforcement measures to that of other states' restitution laws and enforcement measures.
- In response to the most frequently reported problem registered by crime victims in Connecticut—i.e., the failure to receive adequate notice of rights and scheduled court proceedings, the OVA began an investigation into the compliance with Public Act No. 03-179, effective October 1, 2003, proposed by the Victim Advocate and enacted by state lawmakers, [Connecticut General Statutes (C.G.S.) Section 54-220], in which crime victims are to receive formal, written notification of their rights from court-based victim services advocates. This legislation was designed to address the problem of victim notification by giving the responsibility for providing such notification to those in the system whose primary function it is to provide advocacy services to crime victims. Court-based victim services advocates are either employed by the Judicial Branch or by not-for-profit agencies that are part of Connecticut's victim services delivery system. The not-for-profit victim services agencies contract with the Judicial Branch to provide advocacy services to victims of particular types of crime (i.e., homicide, domestic violence, sexual assault and driving while intoxicated crimes).

In what appears to have been a response to the enactment of C.G.S. § 54-220, the Judicial Branch issued two directives that serve to limit the application of the new law, to the detriment of crime victims. First, court-based victim services advocates employed by the Judicial Branch were instructed to no longer provide advocacy services to victims who do not sustain physical injury. Second, victim services advocates working for not-for-profit organizations that contract with the Judicial Branch to provide advocacy services were advised that C.G.S. § 54-220 does not apply to them.

The OVA is currently examining the impact these directives have on the state constitutional and statutory rights afforded crime victims. The OVA has not had the cooperation of the Judicial Branch as well as many of the not-for-profit organizations to effectively evaluate the extent of the impact of these directives, and further, to determine what, if any, additional changes may need to be implemented to ensure that ***all*** crime victims receive the same level of services, notification and advocacy.

During 2005, the OVA continued to develop and maintain positive working relationships:

- The OVA continues to monitor and evaluate the delivery of services provided by Connecticut's Witness Protection Program (WPP), based within the Office of the Chief State's Attorney, and services provided by the Office of the Chief Medical Examiner. The OVA continues to work closely with the WPP to monitor the provision of services to witnesses/crime victims and receives, on a regular, periodic basis, detailed information regarding each WPP participant. The WPP and the OVA have continued a strong, cooperative working relationship to service crime victims eligible for WPP services. On numerous occasions during 2005, as in previous years, the OVA has been able to procure expedited WPP services for crime victims in emergency situations, even when such situations arise well beyond normal working hours. On behalf of all Connecticut crime victims, the Victim Advocate again wishes to express his sincere appreciation to the WPP staff for their willingness to cooperate with the OVA on a range of victims' issues and specific cases and for their dedication and hard work in servicing all Connecticut citizens in need of witness protection services.
- The Victim Advocate has and continues to work closely and cooperatively with the Department of Correction's Victim Services Unit to provide timely and effective notification to crime victims who request to be notified of any change in status (e.g., release, escape) of prison inmates or notice of an inmate's application for a change in sentence or for exemption from Connecticut's sex offender registration laws. Such notice is vital for victim safety and for exercising the rights crime victims have to be heard at important hearings affecting inmate status.
- The Victim Advocate worked collaboratively with the Office of the Chief State's Attorney and the Attorney General's Office to try and put an end to the frivolous civil lawsuits filed by criminal defendants, not only against the victims, but others as well. In one such case, a defendant (the named civil plaintiff) filed twenty-three civil lawsuits against everyone from the former Governor John Rowland to the judge presiding over his case, including several lawsuits against the victim. During the 2005 legislative session, the Victim Advocate provided written testimony in support of a bill that would require any subpoenas requested by a defendant (civil plaintiff) towards the victim must first be approved by the judge after a determination is made that the testimony of the victim is relevant to the civil action. Unfortunately, the Judiciary Committee failed to take action on this bill prior to the deadline. The OVA will continue to monitor the progress of other legislative proposals relevant to this issue.

During 2005, the OVA initiated several formal investigations:

- Since the inception of the OVA, in 1999, the Victim Advocate has issued several investigative reports involving domestic and family violence matters (The murder of Josephine Giaimo; The matter of State v. Iannone; and The murder of Jenny McMechen). Since these reports have been issued, the OVA has worked collaboratively with representatives from the Governor's Office, the Judicial Branch, the Department of Public Safety and the Office of the Chief State's Attorney to provide greater protection for victims of crime, specifically victims of domestic and family violence.

During 2005, the Victim Advocate continued to monitor compliance with the many changes in laws and agency policies and procedures that have resulted from these previous OVA investigations. As part of the effort to monitor and evaluate these changes, the Victim Advocate has investigated, or is currently investigating, the facts and circumstances of several, more recent, domestic violence matters: *The death of Kelly Lombard; the death of Newington Master Police Officer Peter Lavery; the death of John Coleman; the attempted murder of Carrie Arteaga; the death of Sierra Giorgi; and the death of Sergia Alfinez.* The limited staffing resources of the OVA have dramatically hampered the OVA's ability to issue a formal investigative report in each of these matters. However, based upon the findings of these investigative efforts, the Victim Advocate will attempt to work collaboratively with the agencies and professionals involved to, where necessary and appropriate, implement changes to further improve the provision of services and the protection of rights afforded Connecticut crime victims.

- In addition, the Victim Advocate initiated formal investigations of matters involving identity theft; the re-opening of a cold case; the circumstances surrounding an inmate's early release to the community; the facts and circumstances surrounding the proposed early release of a murderer; and check fraud.

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

Crime victims contact the OVA in writing, via telephone, or through e-mail to complain that they have been denied any of the rights afforded them by Connecticut law or that they are having problems with the level or quality of services being rendered by one or more victim services providers. The OVA is empowered to investigate such complaints and take appropriate action on their behalf to help remedy violations of rights or to procure victim services. In deciding upon the appropriate manner in which to respond to such complaints, the OVA may:

- a. Make inquiries and obtain information considered necessary from criminal justice agencies or victim service providers regarding a particular case;
- b. Contact and meet with criminal justice professionals or victim service providers in an attempt to remedy rights violations or victim service issues;
- c. Conduct a more formal investigation of complaints representing systemic problems pertaining to an alleged violation of victims' rights or to alleged deficiencies in the delivery of victim services.

SUMMARY OF OVA CASE STATISTICS FOR 2005

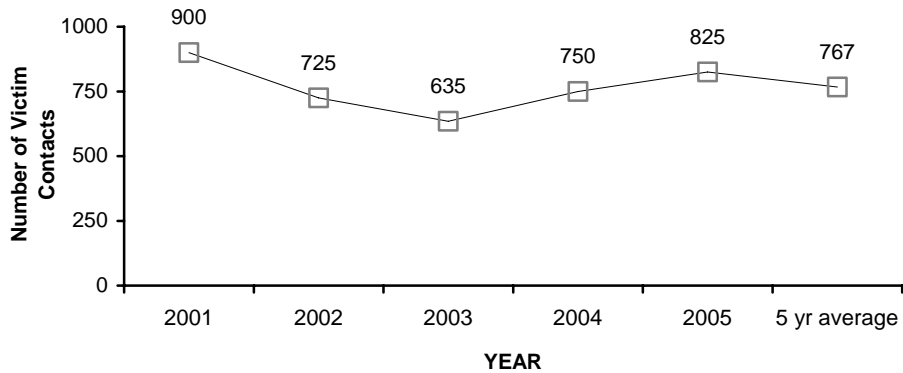
Number of Contacts

The OVA receives many telephone calls and other forms of contact from crime victims with questions, requests and complaints. The OVA makes every effort to respond appropriately to each and every contact. Due to a change in recording statistical information in the OVA, necessitated by a reduction in staff during 2004, the reported number of *total* contacts during 2005 has been estimated.

During the first two years of the OVA's existence (2000-2001), the OVA received many contacts from victims whose cases had ended (i.e., the criminal prosecution was no longer pending) and, thus, there was nothing the OVA could do to help remedy the alleged violation of rights. In addition, because the agency was new, many contacted the OVA simply seeking basic information about victims' rights and services. During the two-year period 2002-2003, the percentage of contacts to the OVA from crime victims with *active* cases (i.e., cases still pending in court) greatly increased as compared to 2001, although the total number of contacts decreased during the 2002-2003 time period. It seems reasonable to speculate that the reduced number of contacts with the OVA during 2002-2003 may be due mostly to the reduction of complaints pertaining to previously disposed cases.

As shown in Figure 1, the number of contacts to the OVA increased slightly during 2005 as compared to 2004. The OVA attributes the increase to improved public awareness about the OVA and to an increase in the number of calls that were referred from other agencies or entities, such as the Governor's office, individual legislators and the Office of Victim Services. Additionally, during 2005, the OVA received a great deal of local and national media attention which may have contributed to the increase in awareness of the OVA's existence.

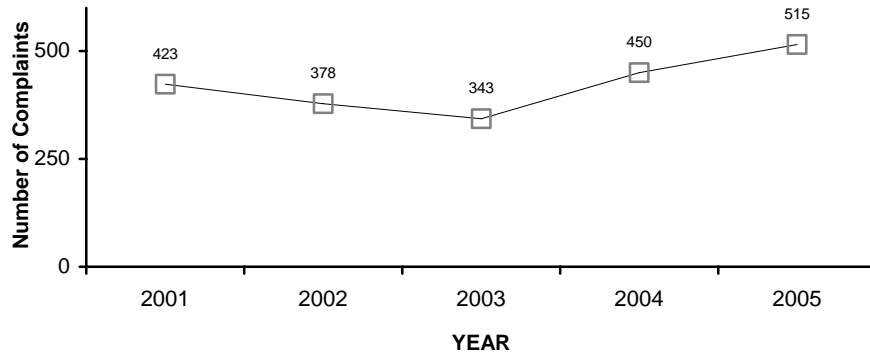
FIGURE 1. Number of Victim Contact with the OVA



Nature of Complaints

Figure 2 shows the number of victim complaints registered with the OVA. In 2001, 47% of the 900 contacts with the OVA were categorized as complaints. In 2002, of the 725 contacts received, 378 (or 52%) were categorized as complaints. In 2003, of the 635 contacts received, 343 (or 54%) were categorized as complaints. In 2004, of the approximately 750 contacts received, 450 (or 60%) registered one or more complaints. In 2005, of the 825 contacts received, 515 (or 62%) registered one or more complaints.

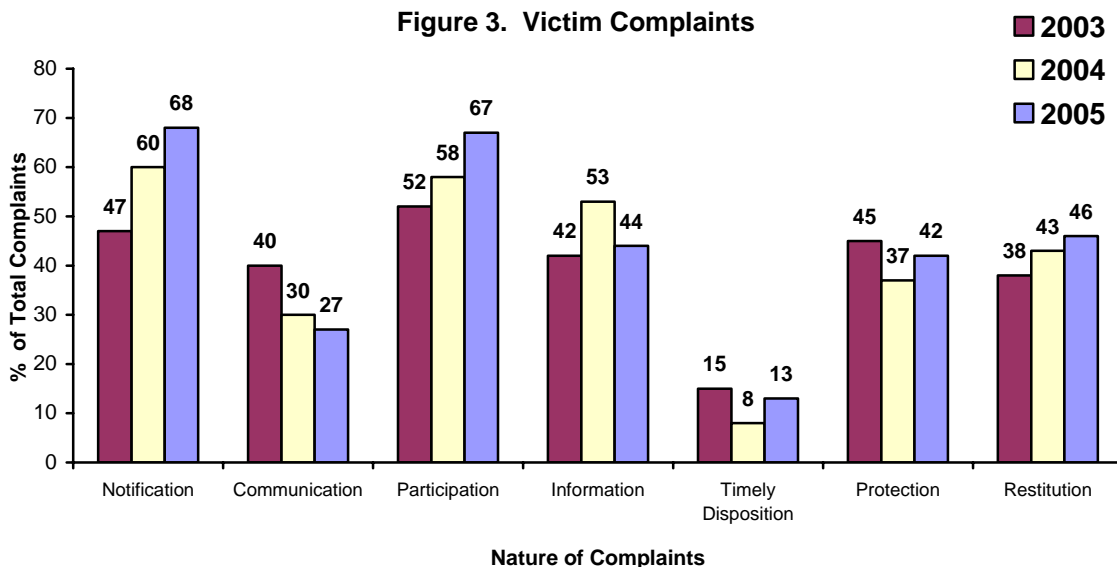
FIGURE 2. Number of Victim Complaints Registered



As in all previous reporting years, notification to crime victims of victims' rights and the availability of victim services continues to be the most frequent complaint received from crime victims during 2005 (See Figure 3).

Many crime victims complain that they don't receive adequate or timely information from criminal justice personnel. If victims are informed of their rights by court-based victim service advocates, they are informed of only some of their rights—usually, they are informed of their right to attend the sentencing hearing and of their right to submit or present a victim impact statement to the court at the sentencing hearing.

Victims often report not being advised about, and in some cases claim to be discouraged from exercising, their right to attend other court proceedings. Victims also often report not being advised of their right to address the court before the court accepts or rejects a plea agreement reached between the state and the defendant. Additionally, crime victims contacting the OVA often report not being fully informed of their right to seek a written order of restitution from the criminal court and not being informed of, or even dissuaded from exercising, their right to discuss their case with the prosecution. Figure 3 below shows the nature of the complaints filed with the OVA during the 2005 reporting period.



The pattern in the nature of complaints filed with the OVA during the 2005 reporting period is fairly similar to the pattern observed and reported in OVA’s previous annual reports. During 2005, as compared to previous years, crime victims registered fewer complaints about certain rights. In particular, victims registered fewer complaints about: (1) the right to communicate with the prosecutor about their cases and (2) the right to information about the arrest, imprisonment, conviction, sentence and release of the accused. This reduction suggests that prosecutors may be doing a better job of working with victims throughout the process than in previous years.

An increase in the number of complaints was observed regarding: (1) the right to receive “Notification” of rights, services and scheduled court dates; (2) the right to participate (“Participation”) in the criminal justice process, including the right to be heard at plea and sentencing proceedings; (3) the right to a “Timely Disposition” of the case; (4) the right to be reasonably protected (“Protection) from the accused;” and (5) the right to receive financial “Restitution” from the person convicted of the crime(s).

The continued increase in the number of complaints regarding notification is very problematic for crime victims in that, without accurate and timely notification of rights and available services, victims simply cannot exercise other important rights, such as participation, throughout the criminal justice process. During the 2005 legislative

session, the OVA was successful in the passage of Public Act No. 05-169 which, in part, will require police officers to provide an informational card regarding victims' rights and available services to **all** crime victims, at the scene, not just those who suffer physical injury. The Victim Advocate is also in discussions with the Chief State's Attorney in an effort to work collaboratively to create and implement a statewide automated notification system for crime victims in Connecticut.

During the 2003 legislative session, the OVA was successful in the passage of Public Act No. 03-179 which requires the court-based victim services advocate to formally notify victims of their rights, on a form developed by the Chief Court Administrator, both the victim and the advocate sign the form and the form is placed in the court file. This legislation was designed to address the problem of victim notification by giving the responsibility for providing such notification to those in the system whose primary function it is to provide advocacy services to crime victims. Because some of the court-based victim services advocates are employed by the Judicial Branch while others are contracted by the Judicial Branch to provide victim advocate services, through the non-for-profit victim service organizations, there are differing opinions whether the duties as outlined in C.G.S. § 54-220, as amended by Public Act No. 03-179, apply to all the court-based victim services advocates, regardless of who they are employed by. The Victim Advocate is working to resolve this discrepancy so that all crime victims receive accurate and timely notification of rights and services.

Although in 2004, the number of complaints regarding protection decreased slightly (from 45% to 37%), during the 2005 reporting period there was a slight increase (from 37% to 42%) which the OVA credits to complaints in cases that are not domestic violence related. Many crime victims attempt to obtain some form of protection from the accused during the criminal justice process and sadly are disappointed when the court issues an order of no contact as a condition of the offender's release. Victims do not receive a written copy of such order and no contact orders are fraught with enforcement issues. During the 2005 legislative session, the OVA submitted a legislative proposal which would allow the court to issue an order of protection in any criminal case where the court determined that an order of protection was necessary and appropriate for the benefit of the victim. The General Assembly voted to include harassment among the crimes for which a protective order could be issued absent a familial relationship between the victim and the offender. The OVA will continue its efforts to expand the issuance of protective orders in any criminal case where the court determines an order of protection is necessary.

Receiving restitution from the offender is such an essential aspect of obtaining justice for many crime victims and the criminal justice system should do better in terms of honoring and respecting the right crime victims have under our state constitution to receive financial restitution. Section 13 of P.A. No. 01-211, codified in C.G.S. §53a-28(c), which provides a clear and unambiguous formula for issuing orders of restitution and terms of payment, needs to be enforced where crime victims comply with the statutory steps for requesting such orders. Further, it appears that our criminal justice professionals need to do a better job of enforcing court orders of restitution that are a

condition of an offender's probation. The OVA continues to work with the Judicial Branch in an effort to strengthen compliance with the restitution statutes and to strengthen the enforcement of orders of restitution.

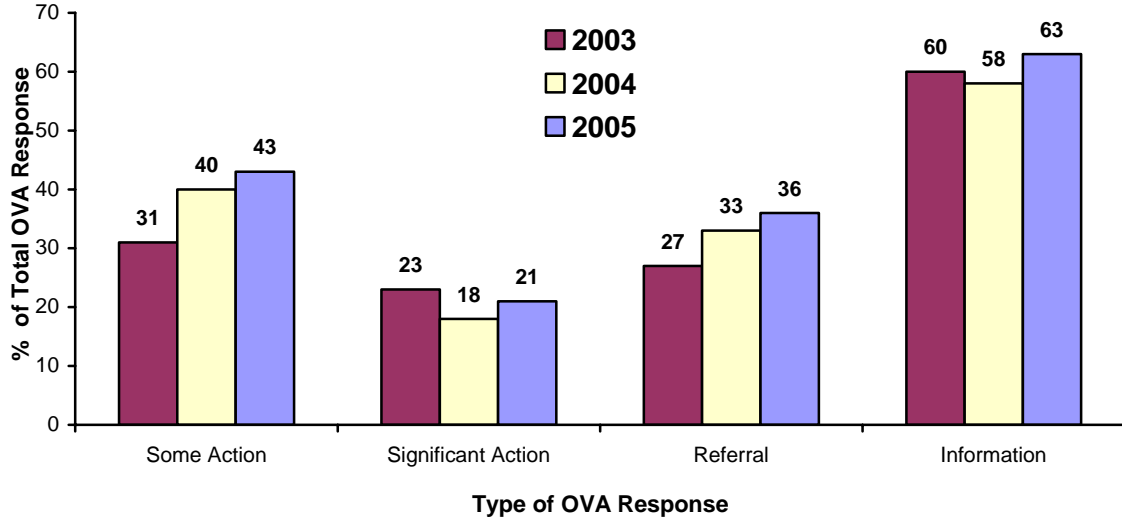
OVA Response to Contacts

As in previous reporting periods, approximately one-half of the contacts to the OVA results in some level of action being taken by the OVA (See Figure 4 below). In appropriate cases, the caller is referred to a direct victim service provider (e.g., a court-based victim services advocate; local or regional victim services organization; etc.). In each such case, the victim is strongly encouraged to contact the OVA in the future if s/he has any trouble either contacting the service provider or has any problems or concerns with respect to the level or quality of services provided. Often, time is spent with such callers providing them an overview of their rights as crime victims and of available services, prior to making the referral. An OVA information brochure is mailed to each such caller.

In Figure 4, the category labeled "Some Action" refers to those calls that result in some, relatively minimal activity being taken by the OVA to help resolve the issue(s) or complaint(s) the caller registers with the OVA. This level of activity typically involves a phone call or two on behalf of the crime victim to someone in the criminal justice system, law enforcement agency, or direct victim services provider organization involved in the case. The category labeled "Significant Action" refers to those calls that result in the OVA creating a physical, office file for the complainant. Typically, such cases require much more involvement on the part of the OVA to help the crime victim. This may involve ordering and reviewing court and other records and transcripts of court proceedings. Such level of OVA involvement may also include attendance at court proceedings with the crime victim, scheduling and attending meetings with criminal justice and law enforcement officials, etc. Formal investigations conducted by the OVA are also included in this category.

During the 2005 reporting period, the OVA operated with 2 staff members, including the Victim Advocate. Despite this barrier, the OVA effectively responded to each call and complaint. The Victim Advocate strongly advocated to the Appropriations Committee for an increase of staff positions in the OVA. At the end of the budget process, the OVA received the additional position of principle attorney.

Figure 4. OVA Response to Calls and Complaints



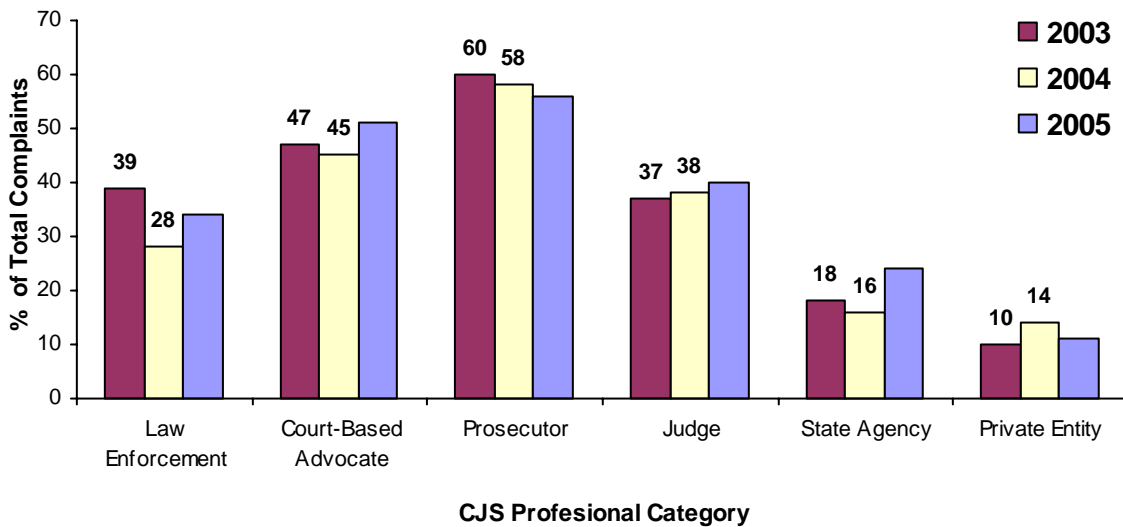
As the data in Figure 4 show, the percentage of calls where OVA staff provide information to crime victims about their rights and available services has increased over time. Such information is provided to the victim regardless of whether the victim contacts the OVA for a simple referral, for specific information about an issue, or to register a formal complaint. Not included in the data presented in Figure 4 are the many contacts where OVA staff simply responds by making a referral or answering a specific question and the OVA sends the individual, via mail, an OVA information brochure which contains information about rights and services.

In many cases, where the Victim Advocate takes some form of action on behalf of a crime victim, with the victim's consent and approval, the OVA sends a written notification letter to the court and the parties advising them of the victim's intent to assert his/her rights. Specifically, this letter serves to provide the court, the state's attorney and the defendant's attorney with notice that: (1) the victim has been informed of their constitutional and statutory rights, (2) their intention to participate in the criminal justice process, (3) the statutory obligations of the state's attorney to provide notification to the victim, and, if appropriate, (4) their intent to seek restitution from the defendant. It is important to note that, in many cases, despite sending this written notification letter on behalf of crime victims, their rights continue to be violated.

Complaints Against CJS Professionals and Service Providers

Figure 5 shows, for each of several categories of criminal justice and law enforcement professionals, as well as state and private victim service providers, the percentage of all complaints received directed at those categories.

Figure 5. Victim Complaints Against CJS Professionals



The general pattern in the data across categories is similar for the years 2003, 2004 and 2005. Further, the pattern presented here is very similar to the pattern presented in prior OVA annual reports. The slight increase in complaints lodged against law enforcement may be attributed to the legislative changes regarding juveniles and youthful offenders. Law enforcement officials are particularly hesitant to provide any information to victims when a juvenile or youthful offender has been arrested due to the confidentiality issues in those types of cases. The OVA has and will continue to work to resolve the issue of victims' rights to information versus the public's right to information. Additionally, the OVA was successful in the passage of Public Act No. 05-169 which clarifies that victims shall not be excluded from juvenile or youthful offender proceedings unless the court, after hearing from the parties and the victim and for good cause shown, states the reason specifically on the record.

SIGNIFICANT FORMAL INVESTIGATIONS CONDUCTED BY THE OVA DURING 2005

Based on complaints received by the OVA, the Victim Advocate completed four previous investigations and initiated seven formal investigations during the 2005 reporting period (a brief description of each is presented below). The purposes for conducting such investigations include: (1) to evaluate the delivery of services to crime victims by agencies and other entities that provide or should have provided services to crime victims; (2) to review the procedures established by agencies and other entities that provide services or should provide services to crime victims; (3) to review complaints of persons concerning the actions or inactions of agencies and other entities that provide services to crime victims; (4) to recommend changes in policies concerning the delivery of services to crime victims; and (5) to make proposals for systemic reform. All of these purposes are statutory mandates of the OVA (See, C.G.S. § 46a-13c).

The goal of the formal investigations involving domestic violence matters conducted during 2005 was to examine issues and concerns for victim safety that emerged in the OVA's previous investigations into fatal domestic violence incidences. The investigations have been concluded at the time of this writing and no formal investigative reports have been released.

The text of prior formal investigative reports released by the Office of the Victim Advocate is available by contacting the OVA directly or by visiting OVA's website at:

www.ova.state.ct.us

The Death of Kelly Lombard (2004)

On June 22, 2004, Kelly Lombard was found stabbed to death in her apartment in Bridgeport, Connecticut. Also on June 22, 2004, Edwin Cabrera, the on-again/off-again boyfriend of Kelly Lombard and father of her son, failed to report to work after he signed out of the half-way house he was released to on April 15, 2004. Edwin Cabrera had been serving time in prison for domestic violence crimes committed against Kelly Lombard. On September 20, 2004, Edwin Cabrera was charged with the murder of Kelly Lombard.

The Victim Advocate was contacted shortly after the murder by the family members of Kelly Lombard and by State Senator Bill Finch regarding the conditions of Edwin Cabrera's early release from the Department of Correction (DOC). The OVA initiated an investigation into the facts and circumstances surrounding the death of Kelly Lombard—specifically the violent history and early release of the alleged murderer, Edwin Cabrera. The OVA made requests for documents and other evidence to the DOC, the Judicial Branch, the Department of Public Safety (DPS), and the office of the state's attorney for the judicial district of Bridgeport.

After a review of the materials provided by the various agencies, the OVA prepared a summary of the information to determine whether something should have been or could have been done to further protect Kelly Lombard. Edwin Cabrera led a troubled life, in and out of prison. Had the judicial system more appropriately responded to the pattern of criminal behavior of Edwin Cabrera early on in his criminal career, perhaps things would have been different. The DOC released Edwin Cabrera to a halfway house, prior to his scheduled release date with good intentions and supervision. Edwin Cabrera did not have any probationary period to follow his release and the DOC, by releasing Cabrera to a halfway house, attempted to reintegrate Cabrera back into the community to become a productive member of society. Unfortunately, Cabrera's intentions were different. Cabrera is currently serving a 50 year sentence for the murder of Kelly Lombard.

The Death of Newington Master Police Officer Peter Lavery (2004)

On December 31, 2004, Newington Police Officer Peter Lavery responded to a domestic violence call and was shot and killed by Bruce Carrier, the live-in boyfriend of

a victim of domestic violence. The OVA initiated an investigation into the facts and circumstances of the death of Officer Lavery. Specifically, the OVA was interested in examining whether the various domestic violence issues observed in previous OVA investigations were present in this case and which may have contributed to the death of Officer Lavery. The OVA reviewed the materials received by various agencies involved in the investigation of the death of Office Lavery. After discussions with other agencies involved in conducting investigations into the death of Officer Lavery, the Victim Advocate is satisfied that the death of Officer Lavery will be amply investigated and that appropriate measures, if any, will be taken to enhance the safety of police officers who respond to domestic violence reports.

The Death of John Coleman (2004)

John Coleman was involved in a motor vehicle accident on December 9, 2003 in Hartford and later died on January 8, 2004 as a result of injuries sustained from the accident. The facts and circumstances surrounding the investigation of the motor vehicle accident, or lack thereof, was the focus of the OVA's investigation. Family members contacted the OVA to complain that the Hartford Police Department (HPD) failed to adequately investigate the accident; that the HPD failed to properly follow-up on the medical condition of Mr. Coleman; and that the state's attorney improperly decided not to pursue criminal charges against the person responsible for causing the accident and subsequent death of the victim.

The surviving family members of John Coleman were told shortly after his death, that the person responsible for the accident had paid a fine and therefore could not be charged with a criminal offense relating to his death (i.e. negligent homicide with a motor vehicle). The family was also told that the responding officer did not call for an accident reconstruction team so the evidence would not support a criminal charge against the other driver.

The OVA reviewed the documents provided by the Hartford Police Department. The Victim Advocate met with the Chief State's Attorney to discuss the Hartford State's Attorney's decision to not prosecute any individual for the death of John Coleman. The Victim Advocate provided a copy of the Coleman file to the Chief State's Attorney to review. After a review of the file provided by the OVA, the Chief State's Attorney met with the Victim Advocate and the family. The Chief State's Attorney reported that the Hartford Police Department was undergoing significant administrative and leadership changes and with the assistance of the CT State Police would be improving various aspects of the department, including its response and communication within the community. The family of John Coleman was appreciative to the Victim Advocate and the Chief State's Attorney for their efforts.

The Attempted Murder of Carrie Arteaga (2004)

On August 3, 2004, Carrie Arteaga and a friend were seriously injured when Carrie's estranged husband, Michael Arteaga, broke into her home and violently stabbed

her and her friend. Michael Arteaga was no stranger to police and since 2003 five orders of protection against Michael Arteaga were issued on behalf of Carrie Arteaga and her children. However, Mr. Arteaga was consistently released on either a promise to appear or the setting of very low bonds which he easily posted.

The OVA initiated an investigation into the facts and circumstances of the violent assault on Carrie Arteaga and her friend. Specifically, the OVA was concerned with how the criminal justice system responds to the patterns of behavior of individuals that continually violate court orders of protection, as did Michael Arteaga.

After a review of the materials received, the OVA determined that: (1) the victim took the appropriate and necessary steps to seek protection from the courts; (2) the victim participated throughout the criminal prosecution of Michael Arteaga; (3) the defendant demonstrated a pattern of behavior for violating both the restraining order and the protective orders; (4) domestic violence matters must be viewed differently in order for the system to respond appropriately to the issues prevalent in domestic violence cases. This case, unfortunately, highlights the fact that even when a victim takes the appropriate steps for protection and participates in the process, there can be no guarantee of victim and public safety. Michael Arteaga is currently serving a 12 year sentence for the assault on Carrie Arteaga and her friend.

The Death of Sierra Giorgi

Sierra Giorgi was brutally murdered on July 1, 2005 in New London, CT. The OVA initiated an investigation into the facts and circumstances surrounding her death. Specifically, the OVA investigated the circumstances that led to the release from prison of Thomas Christopher Wood, the alleged murderer. After a review of the materials received in response to the OVA's request and after discussions with the family of Sierra Giorgi, the Victim Advocate determined that Sierra Giorgi herself had attempted to access information about the defendant's past. Tragically, Sierra was murdered before she was able to obtain any information to possibility protect herself from the defendant. Thomas Wood has been charged with felony murder and is currently being held on a \$3.5 million dollar bond.

Additionally, the Victim Advocate strongly supported the efforts initiated by the family and friends of Sierra Giorgi to establish an online violent offender registry. The Victim Advocate provided written testimony in support of Senate Bill No. 308, known as "Sierra's Law." Although the bill was voted unanimously out of the Public Safety Committee, the Judiciary Committee failed to take any action on the bill prior to the deadline. The Victim Advocate will continue to support and assist the family and friends of Sierra Giorgi so that information about violent offenders is available to the public much like the information that is available on the Sex Offender Registry.

The Death of Sergia Alfinez

Sergia Alfinez was brutally murdered on October 15, 2005 in Manchester, CT. The OVA initiated an investigation the facts and circumstances surrounding her death. Specifically, the OVA was investigating the domestic violence issues familiar to other investigations conducted by the OVA. After a review of the documents received by various agencies, the OVA was able to determine that the domestic violence issues familiar to other investigations were not present in the tragic death of Sergia Alfinez.

An Alleged Identity Theft Victim

The victim of Identity Theft (ID) was a licensed dental hygienist and learned that someone else was using her name and dental hygienist license to work in area dental offices. The victim had reported the incident to the police department and also contacted the Department of Public Health (DPH), the agency responsible for issuing and maintaining licenses in the dental hygiene field. The OVA initiated an investigation into the alleged ID theft of the victim and the responsibilities of the responding agencies to assist the victim in correcting the situation. The OVA had requested documentation and other materials from the various agencies and entities involved in the matter.

The defendant in this matter was arrested in several jurisdictions for the alleged identity theft crimes against the victim. After a review of the materials received by the OVA, the OVA was able to determine that: (1) the defendant went to great lengths to steal the victim's identity as a licensed dental hygienist, including legally changing her name to that of the victim and creating fake documents from the dental hygienist school; (2) the victim suffered emotional, personal, professional and financial loss as a result of this crime; and (3) the victim was determined to regain control of her life and hold the defendant accountable for her actions.

The OVA closely monitored the progress of the criminal matters and maintained contact with the state's attorneys handling the cases. The OVA attended the plea and sentence hearings of the defendant with the victim. The victim, very effectively, informed the court about the impact that the crime had had on her life, personally and professionally. The court sentenced the defendant to a period of incarceration, followed by a period of probation in which the defendant will have to make full and complete restitution to the victim. The court also ordered the defendant to provide whatever information the victim may need to correct her identity as a result of this crime.

The Possibility of Re-Opening a Cold Case

The OVA was contacted by the daughter of a man who was brutally murdered decades ago. The victim's family sought the assistance of the OVA in getting the investigation into the man's murder re-opened. The Victim Advocate held meetings with representatives from the Office of the Chief State's Attorney and the Henry Lee Forensic Institute at the University of New Haven. The matter of re-opening the investigation is still pending.

The Circumstances of an Inmate's Early Release to the Community

The OVA has initiated an investigation into the process, policies and procedures utilized by the Department of Correction for determining whether an inmate is an appropriate candidate for early release into the community. The OVA has requested materials from various agencies. The investigation is pending.

The Facts and Circumstances of the Proposed Early Release of a Murderer

Richard Reihl was brutally murdered in 1988 in Wethersfield, CT. Sean Burke and a friend, both teenagers at the time, were arrested and convicted in the killing. Sean Burke received a 40 prison term for his role in the killing. In July of 2005, the defendant filed a motion for a reduction in sentence. As part of any application for a reduction in sentence, the defendant is obligated to notify the victim of the crime, or the victim's surviving family members in cases of homicide, of the application and provide proof to the court of the notification. A hearing date was scheduled for the motion in August when the press picked up on the story.

The OVA reviewed the news accounts of the story and requested a copy of the application for the reduction in sentence from the court. After a review of the documents, the OVA quickly determined that the victims, the surviving family members, had not been notified of this proceeding, a violation of the victim's rights.

The OVA contacted the family members of Richard Reihl and informed them of the scheduled hearing. The Victim Advocate attended the proceeding with the family members, informed the court that the victim's had not received proper and adequate notification of the proceeding and requested that the court continue the hearing to give the victims the opportunity to consider the defendant's application. The court acknowledged the lack of proper notification to the victims and granted the Victim Advocate's request to reschedule the hearing. The OVA then requested materials from various agencies regarding the defendant's incarceration history.

The OVA reviewed the materials received from various agencies and prepared a summary of the information. Prior to the hearing, scheduled for November 17, 2005, the Victim Advocate met with the family members of Richard Reihl to discuss the summary of information and their role in the upcoming hearing. The Victim Advocate attended the reduction hearing with the family and the family members testified at the hearing in opposition to a reduction in the sentence. The court, after hearing from all parties and the family of the victim, needed time to review the information that was submitted to the court, both in support of the reduction and in opposition to the reduction. The court indicated that a written decision on the defendant's motion would be forthcoming.

The Issue of Scams, Awareness of Scams by the Public and Business Industry and the Consequences to a Victim of the Scam

The victim received a letter of notification in the mail that stated she had won a lottery. The letter informed her of the specific steps that she needed to take in order to claim her lottery prize. There was a check enclosed to cover the expenses of insuring the money, for her safety of course. The first step instructed her to deposit the enclosed check into her bank account, wait the appropriate number of days for the check to clear her bank and then withdraw the money, minus the costs associated with the money-gram. She was then instructed to make contact by telephone when she was ready to send the money-gram.

The victim followed the instructions to the letter only to find out two days later that the check she had deposited into her account was returned and fraudulent. Her bank put an immediate freeze on her account and informed her that she had thirty days to reimburse the bank. The OVA initiated an investigation into the policies and procedures of banks concerning the awareness of scams, information provided to employees and consumers about scams and information provided to consumers about the availability of funds and cleared checks. The OVA has requested materials from various agencies, including the Department of Banking. The investigation is pending.

V. File a limited special appearance in any court proceeding for the purpose of advocating for any right guaranteed to a crime victim by the Constitution of the state or any right provided to a crime victim by any provision of the general statutes.

To accomplish the goal of assisting crime victims, and of giving force to their state constitutional and statutory rights, the Victim Advocate was empowered by the state legislature to advocate in court proceedings with respect to an alleged violation of any right afforded crime victims under Connecticut law. During 2005, the Victim Advocate appeared before a number of state criminal and civil courts to advocate for victims' rights—always at the request and with the prior consent of the crime victim.

APPEARANCES IN CRIMINAL COURT PROCEEDINGS

Since its inception in September 1999, the Victim Advocate or a member of his staff has effectively assisted many crime victims in criminal court proceedings. Often, simply attending court proceedings with the crime victim, making formal introductions to key criminal justice professionals, scheduling and attending meetings with the crime victim and criminal justice professionals, and educating victims about the criminal justice process, victim rights and victim services is enough to effectively rectify a complaint registered with the OVA. Other cases require more extensive involvement, such as the Victim Advocate filing his appearance to address the court to advocate for a crime victim's rights or to file a motion to require the court to address an issue relating to an alleged violation of one or more of the victim's constitutional and/or statutory rights. On a growing number of occasions, the involvement of the Victim Advocate in court prior to

the particular case being called (e.g., in judge's chamber) serves to remedy issues and complaints, therefore, making it unnecessary to formally file his appearance.

In one such case, having a positive outcome for the crime victims, the Victim Advocate intervened in a criminal matter in Manchester where the family members of a homicide victim were not notified when the defendant filed an application for a reduction in sentence, a violation of the victim's right to receive notification of the application and notice of the subsequent hearing to decide the application.

The Victim Advocate attended the hearing with the victims and informed the court of the violation of the victim's rights. The Victim Advocate requested that the court continue the hearing to afford the victims an opportunity to consider the defendant's application. The court agreed that the victims had not received proper and adequate notification of the application and of the hearing date and granted the Victim Advocate's request for a continuance. The Victim Advocate initiated an investigation into the facts and circumstances of the proposed early release of the murderer (See a summary of the investigation above).

APPEARANCES IN CIVIL PROCEEDINGS

The Victim Advocate has the statutory authority to file his appearance in *any* court proceedings to advocate for victims' rights. This authority, therefore, extends to civil as well as criminal proceedings.

During 2005, the Victim Advocate formally intervened in one civil proceeding to protect the rights of crime victims. Specifically, the Victim Advocate intervened to protect the rights of a sexual assault victim from the continued harassment by the convicted rapist.

In the case of Allen Adgers v. Isabel Doe, the Victim Advocate filed his appearance to assert the right of the named civil defendant (the sexual assault victim of the named civil plaintiff) to the confidentiality of her identity throughout the civil proceedings. The Victim Advocate filed a motion asking the court to seal the court file and to force the defendant to use a pseudonym when referring to the victim.

The defendant (named civil plaintiff) was convicted, after accepting a plea bargain and pleading nolo contendere, of sexual assault, assault and kidnapping and sentenced to 13 years in prison. From prison, the defendant filed twenty-three civil lawsuits against everyone from the former Governor John Rowland to the judge presiding over his case, including several lawsuits against the victim. In addition to the civil lawsuits filed, the defendant filed a habeas appeal claiming ineffective assistance of counsel and the defendant subpoenaed the victim to testify at the hearing. Because the defendant was representing himself, he was able to directly question the victim on the stand. The defendant was using the judicial system to continue to harass, threaten and cause further harm to the victim.

In addition, the Victim Advocate was able to secure a private attorney for the victim to petition the court to issue a standing criminal restraining order on behalf of the victim, something that could have been done and should have been done at the time of the disposition of the criminal matter. The restraining order was issued and provides the OVA as the address for the victim and for any future filings from the defendant.

In October of 2005, the court heard oral arguments on the Victim Advocate's motion. The judge issued her written decision on December 22, 2005. The judge's decision included the requirement that the defendant use the pseudonym name "Isabel Doe" and that any further subpoenas requested by the defendant towards the victim must first be approved by the judge after determining that the testimony is relevant to the civil action. The judge also ordered the OVA as the agency for which any further service by the defendant is served on behalf of the victim.

- VI. Ensure a centralized location for victim services information;**
- VII. Recommend changes in state policies concerning victims, including changes in the system of providing victim services;**
- VIII. Conduct programs of public education, undertake legislative advocacy, and make proposals for systemic reform.**

LEGISLATIVE INITIATIVES

During the 2005 legislative session, the Victim Advocate submitted nine separate legislative proposals for the Connecticut General Assembly to consider. Among those were legislative proposals designed to improve the notification requirements to crime victims; to ensure that victims of juvenile and youthful offender crimes are not excluded from participating in the criminal justice process; to provide greater protection for the safety and well-being of crime victims; and to enhance the Victim Advocate's authority to advocate on behalf of crime victims. From those proposals, the Judiciary Committee raised two bills for consideration:

Raised House Bill No. 6579, An Act Concerning Crime Victims

- *Ensure that victims of juvenile crime are not excluded from delinquency proceedings unless, after hearing from the victim and for good cause shown, the reason for such exclusion is clearly and specifically stated on the record;*
- *Ensure that victims of crime where the accused is found eligible to be adjudged a youthful offender are not excluded from the proceedings unless, after hearing from the victim and for good cause shown, the reason for such exclusion is clearly and specifically stated on the record;*
- *Ensure that victims of crime, where the defendant has been adjudged a youthful offender, have the opportunity to address the court regarding any plea agreement and at sentencing;*

- *Protect the rights afforded to crime victims to be present and heard prior to the court accepting a plea agreement and at sentencing;*
- *Require police officers to present an informational card concerning victims' rights and the availability of services to all crime victims at the scene of a crime; and*
- *Allow the court to issue a protective order in any criminal case where there is no familial relationship between the victim and the accused where the court determines that such order is necessary and appropriate for the protection of the victim.*

Raised House Bill No. 6580, An Act Concerning the Authority of the Victim Advocate

- *Pursue appellate relief on behalf of any crime victim when it is alleged that any right guaranteed to crime victims has been violated;*
- *Authorize the Victim Advocate to issue a subpoena, within limits, in the course of conducting an investigation; and*
- *Include the Victim Advocate among the individuals and agencies that have access to the records of any youth adjudged a youthful offender.*

Throughout the session, the Victim Advocate worked collaboratively with representatives of the victim service organizations, state agencies, members of the general assembly and crime victims to draft, support and pass legislation that provides victims with greater protections. The Judiciary Committee held a public hearing on March 21, 2005 for which the Victim Advocate, along with several victims of crime, provided oral testimony in support of both bills. During several other public hearings, the Victim Advocate also presented testimony, orally and in writing, regarding several bills relating to important issues effecting crime victims.

On Tuesday, April 12, 2005, the Judiciary Committee met and voted to advance House Bill No. 6579 with substitute language. On Friday, April 15, 2005, the Judiciary Committee met and voted to advance House Bill No. 6580 with substitute language. The Victim Advocate continued to work with legislators and others in an effort to reinstate some of the important proposals that were eliminated from the substitute language. Specifically, the Victim Advocate's authority to pursue appellate relief on behalf of crime victims when any right has allegedly been violation, the court's authority to issue a protective order in any criminal case where the court determines that such order is necessary and appropriate for the protection of the victim and the requirement that police officers present the informational card concerning victims' rights and available services to all crime victims at the scene of a crime, not just those who suffer physical injury.

On May 5, 2005, House Bill No. 6579 was amended by the House of Representatives to include the requirement that police officers present the informational card to all crime victims. The bill successfully passed both chambers. House Bill No. 6580 was referred to the Appropriations Committee and the committee failed to take

action on the bill prior to the deadline. The following bills passed during the 2005 legislative session:

Public Act No. 05-169, An Act Concerning Crime Victims

Effective October 1, 2005, this bill prohibits judges from excluding victims from youthful offender or juvenile delinquency proceedings, unless, after hearing from the parties and the victim, a finding of good cause is shown and the reason is stated on the record. The bill also makes it clear that victims have a right to make a statement to the court at the plea and at sentencing in youthful offender proceedings. Finally, the bill requires police officers to present an informational card concerning victims' rights and the availability of services to all crime victims at the scene, not just those who suffer physical injury.

Public Act No. 05-147, An Act Concerning the Issuance and Violation of Restraining and Protective Orders

Effective October 1, 2005, this bill allows the court, after an arrest has been made for harassment 1st and harassment 2nd, to issue a protective order if the court finds that the harassment cause the victim to reasonably fear for his or her physical safety. The bill also allows the court to issue a standing criminal restraining order when a person has been convicted of violation of a protective order. Finally, the bill increases the penalty for criminal violation of a restraining order from an A misdemeanor to a D felony.

Public Act No. 05-152, An Act Concerning Court Operations

Effective October 1, 2005, this bill removes the requirement of faxing a copy of the affidavit for relief from abuse to the police department in cases where a restraining order has been issued. The Victim Advocate strongly opposed this section of the bill and will continue to advocate having the requirement restored during the next legislative session. The bill also requires the Office of Victim Services (OVS) to notify victims when an inmate is being released on a furlough for the purpose of integration into the community and allows OVS and the Department of Correction Victim Services Unit to share victim contact information.

Public Act No. 05-68, An Act Concerning Notification of the Office of Victim Services by the Department of Correction Upon the Release of an Inmate

Effective October 1, 2005, this bill requires the Department of Correction Victim Services Unit to notify victims when an inmate is being released on a furlough for the purpose of integration into the community.

Public Act No. 05-62, An Act Preventing Bank Fraud and Identity Theft

Effective October 1, 2005, this bill allows the disclosure of customer's information to an information network for fraud prevention that is accessed by financial institutions and law enforcement authorities exclusively to detect or protect against actual or potential fraud or unauthorized transactions.

Public Act No. 05-146, An Act Concerning Notification of Inmate Applications for Release or Other Relief

Effective October 1, 2005, this bill statutorily establishes a Victim Services Unit within the Department of Correction (DOC). It requires the unit to provide the victim notification that DOC is currently required to provide.

Public Act No. 05-249, An Act Concerning Criminal Justice Planning and Eligibility for Crime Victim Compensation

Effective July 1, 2006, this bill creates the Criminal Justice Planning Commission to develop a plan to promote a more effective and cohesive state criminal justice system. The bill requires the division to collaborate with certain agencies, including the OVA. Effective October 1, 2005, the bill also eliminates the deadline for eligible crime victims or their immediate families to request OVS to waive the time limit for victim compensation applications.

During the 2005 legislative session, the Victim Advocate also testified before the Appropriations Committee concerning the proposed budget for the OVA. The Victim Advocate submitted an Expansion Proposal to the Committee for consideration. Several victims also testified in support of the OVA and the need for additional funding and staff. On April 18, 2005, the Appropriations Committee met and voted to advance their budget bill, which included the recommendation that the OVA receive an increase of one position for a principle attorney.

PRESS CONFERENCE ON THE DEATH PENALTY

Also, during the 2005 legislative session, the Victim Advocate held a press conference on the death penalty in the Old Judiciary Room at the State Capitol. The purpose of the press conference was to bring to the attention of the legislators (3) specific issues, important to crime victims, to consider when debating the death penalty and ultimately deciding whether or not Connecticut will continue to have a death penalty. The (3) issues to consider are:

1. The lengthy appeals process in death penalty and murder cases.
2. The inadequate support services and counseling available to surviving family members of homicide victims.
3. Victims' Constitutional right to be heard in a meaningful way in death penalty cases.

The Victim Advocate was joined by surviving family members of homicide victims, some of who support the death penalty and some who oppose the death penalty. In addition, mental health professionals spoke about the damaging effect of the lengthy appellate process on victims and the necessity for greater support and counseling services. The Victim Advocate submitted language to the Judiciary committee to consider regarding victim testimony in death penalty cases. As a result, *House Bill No. 6488, An Act Concerning the Death Penalty* was raised. Section 2 of the bill clarifies that

the crime victim has the opportunity to be heard after the presentation of evidence and before the closing arguments. *House Bill No. 6488* was merged with *Senate Bill No. 895, An Act Concerning the Death Penalty*. On May 11, 2005, the Senate moved Senate Bill No. 895 to the foot of the calendar, where it remained until the end of the session.

OTHER OVA INITIATIVES/ACTIVITIES

The Victim Advocate participates on a number of legislative committees and commissions for the improvement of services to crime victims. Among those are:

- Member, Commission on Racial and Ethnic Disparity in the Criminal Justice System
- Member, Hate Crime Task Force
- Member, CT Helps Oversight Council
- Member, Advisory Commission on Wrongful Convictions
- Member of Governing Board, Criminal Justice Information System Commission
- Member, Commission to study the CT process for granting pardons and erasing criminal records
- Member, Criminal Justice Collaborative
- Member, Commission to study the treatment by the criminal justice system of crime victims having physical and/or cognitive disabilities
- Member, Advisory Panel to the VictimLaw Project, sponsored by the National Center for Victims of Crime

Other activities include:

- During the 2005 legislative session, the Victim Advocate met with several members of the general assembly, legislative liaisons of various agencies and legislative liaisons of victim services organizations to discuss and promote the legislative agenda proposed by the OVA.
- During the 2005 legislative session, the Victim Advocate attended and testified, orally and in writing, at several legislative public hearing regarding a number of bills effecting crime victims and victim services.
- On April 19, 2005, the Victim Advocate attended a meeting with Joe Belliveau regarding the death of his son. Other attendees were Dr. Al Harper of the Henry Lee Institute, State Representative Mike Lawlor, Chief State's Attorney Chris Morano and State's Attorney Matt Gedansky. The purpose of the meeting was to provide a re-enactment of the shooting of Joe's son and determine if further investigation is needed. As a result, further steps will be taken in an effort to obtain additional answers.
- On May 13, 2005, the Victim Advocate met with State Senator Bill Finch and the family of homicide victim Kelly Lombard. The Victim Advocate presented a summary of its finding from the formal investigation conducted by the OVA. A formal report of the investigation was not released.

- On May 16, 2005, the Victim Advocate met with the Commissioner of the Department of Information and Technology to discuss the information technology needs of the OVA.
- The Victim Advocate arranged a meeting with the family of John Coleman and the Chief State's Attorney to discuss the issues surrounding the death of Mr. Coleman, the investigation of his death and the lack of prosecution for his death.
- On September 20, 2005 the Victim Advocate accompanied a victim of sexual assault to a meeting with State Senator Prague, State Representative Ryan and representatives of State Senator Don William's office to discuss legislative initiatives relating to the statute of limitations for the criminal prosecution of sexual assault cases.
- The Victim Advocate met with representatives of the Department of Administrative Services as an introduction of the staff responsible for the administrative duties of the OVA.
- On October 19, 2005, the Victim Advocate attended the CT Supreme court oral arguments regarding the criminal conviction in State v. Michael Latour. The Victim Advocate also learned that the victim did not receive notice of the scheduled hearing and will again consider legislation to improve notice to victims in the future.
- In October, Governor M. Jodi Rell created an Identity Theft Advisory Board and appointed the Victim Advocate as a member. The first meeting was held on October 24, 2005.

The Victim Advocate and members of the OVA staff attended and participated in a number of seminars, conferences and other programs of public education. Among those are:

- Throughout the year, the Victim Advocate conducted numerous television, radio and print media interviews in response to issues regarding victims' rights and the improvement of services to crime victims in Connecticut.
- On January 8, 2005, the Victim Advocate was an invited speaker at the Grange Society to present on Identity Theft. The event was held at the Radisson Hotel in Cromwell.
- On January 13, 2005, the Victim Advocate gave a presentation on victims' rights and services in CT to the Government Class at Tolland High School.
- On March 9, 2005, the Victim Advocate attended a dedication ceremony at the Southeastern CT Women's Center in Norwich. Other attendees included Lt. Governor Kevin Sullivan.
- On March 15, 2005, the Victim Advocate met with representatives from People's Bank to discuss possible collaborative efforts relating to identity theft.
- On March 22, 2005, the Victim Advocate was an invited speaker and presented to the Lion's Club of Bloomfield on the issue of victims' rights and available services.
- The lone surviving victim (Vivian) of death row inmate, Michael Ross, contacted the OVA regarding the lack of services available to crime victims and her opposition to the death penalty. The Victim Advocate held a press conference on

March 30, 2005, to give Vivian the opportunity to voice her concerns regarding the lack of services she was provided at the time of the crime and the services now unavailable to her because of the length of time since the crime. The press conference was held on the same day that the House of Representatives was debating the bill to abolish the death penalty. As a result of the press conference, the Victim Advocate reached out to various agencies in the state in an effort to obtain much needed services to Vivian and her family. In addition, legislation was pending that would eliminate the time limit for a victim of sexual assault to receive services from the Office of Victim Services, as long as the sexual assault was reported to the authorities or the victim went to a medical facility for treatment. The press conference generated national attention and as a result, the Victim Advocate and Vivian made appearances on the following programs:

- Good Morning America
 - Inside Addition
 - The Geraldo Rivera Show
 - CNN News
 - FOX News
 - Court TV
- On April 16, 2005, the Victim Advocate participated as the Master of Ceremonies for the Victims' Right Walkathon & Rally at the State Capitol. The Victim Advocate presented a proclamation to the president of Survivors of Homicide from Governor M. Jodi Rell declaring the week of April 10th through April 16th Crime Victims' Rights Week in Connecticut. Other honorable speakers in attendance were State Representative James Amann, State Representative Mike Lawlor, Attorney General Richard Blumenthal, Chief State's Attorney Chris Morano, Hartford Mayor Eddie Perez, Bruce DePrest of Channel 3 and Rev. Cornell Lewis. The rally was very well attended.
 - On April 20, 2005, the Victim Advocate was the key note speaker at the 5th annual "Take Back the Night" rally hosted by the Women's Center of CT Central State University.
 - The Victim Advocate is a member of the planning committee of the Melanie Rieger Conference Against Violence. The OVA is also a co-sponsor for the conference. The conference was held on April 20th and 21st. The Victim Advocate participated in the opening ceremonies and also participated on a panel entitled, "*Victims' Rights in Connecticut: Past, Present & Future.*"
 - The Victim Advocate consulted with State Senator Bill Finch, Chairman of the Banks Committee, who will hold several public hearings on the issue of identity theft. The first in the series of public hearings was held on April 26, 2005 at the Legislative Office Building.
 - On May 3, 2005, the Victim Advocate was a guest on WICH Radio, Norwich. The Victim Advocate had the opportunity to present an overview of victims' rights and the role of the OVA.
 - On May 3, 2005, CNN interviewed the Victim Advocate to discuss the operation of the OVA. The interview took place at the office of the OVA and was aired during the week of May 9, 2005.

- On May 4, 2005, the Victim Advocate participated in a Domestic Violence conference, sponsored by the Connecticut Coalition Against Domestic Violence, the Office of Policy and Management et al., in Meriden. The Victim Advocate presented on the potential value of dedicated domestic violence courts in CT.
- On May 6, 2005, the Victim Advocate attended the Annual State of CT Holocaust Commemoration Ceremony conducted by the Jewish Federation Association of CT. The event was held in the Senate Chambers at the State Capitol.
- The Victim Advocate accepted an invitation to present at the *National Center for Victims of Crime's First National Conference* in Washington, D.C. on June 20, 2005. The Victim Advocate presented a power-point presentation on victims' rights, services and initiatives in Connecticut.
- The Federal Office for Victims of Crime and The National Institute for Justice invited the Victim Advocate to serve on a working group to create a national publication, "*Assisting Victims of Identity Theft: A Resource Guide for Victim Services.*"
- On June 30, 2005, the Victim Advocate had a follow up meeting with representatives of People's Bank. People's Bank, in collaboration with the OVA, is interested in a series of public events around the state to promote and help educate the public with respect to identity theft crimes and prevention.
- On July 9, 2005, the Victim Advocate presented to the Grange Youth Conference at the UCONN campus in Storrs, CT regarding identity theft.
- On October 4, 2005, the Victim Advocate attended the CT Coalition Against Domestic Violence promotional campaign kick off held in the Old Judiciary Room at the State Capitol.
- On October 12, 2005, the Victim Advocate was an invited speaker to address the *7th Annual National Health Cares About Domestic Violence Day* at Saint Francis Hospital in Hartford, CT.
- The Victim Advocate was a guest on the Stu Bryer Radio Show (WICH, AM1310, Norwich) to discuss new legislation going into effect on October 1, 2005 benefiting crime victims.
- The Victim Advocate was an invited presenter at the *1st Annual WOW! Womens' Forum* held in Torrington, CT at the Warner Theater.

IX. Take appropriate steps to advise the public of the services of the Office of the Victim Advocate, the purposes of the office and procedures to contact the office.

The Victim Advocate makes every attempt to advise the public about victims' rights and available services in the state. Through the daily work of the OVA, victims are informed and educated about their rights and available services. Many referrals are made to those agencies that provide direct services to crime victims. Through the legislative initiatives of the Victim Advocate, the OVA has been successful in communicating identified systemic issues facing Connecticut crime victims and has proposed legislative changes to effectively address many of these issues. The Victim Advocate has had many opportunities to inform and educate the public about victims' rights and available services. Among those opportunities are the following:

Creation and Distribution of an OVA Brochure

The Victim Advocate designed a two-fold, color information brochure that highlights victims' rights; the role of the OVA and contact information for the OVA. To date, the Victim Advocate has printed and distributed approximately 20,000 copies of the brochure. The Victim Advocate continues to work with representatives of the Judicial Branch to ensure that the OVA's brochure is available, accessible and prevalent in every court house in the state of CT.

Office of the Victim Advocate Web Site

In an effort to serve crime victims throughout the state, the Victim Advocate designed and developed an OVA web site that can be accessed at <http://www.ova.state.ct.us>. It was designed to provide the user with easy access to information about victim rights and victim rights laws (constitutional and statutory); the services provided by other state agencies and private entities of interest to crime victims; links to state and national advocacy organizations; biographical information about the Victim Advocate and his staff; and the full text of all OVA investigative reports and annual reports. The OVA receives many calls from crime victims claiming to have learned of the OVA and its services from the OVA web site. The OVA also receives frequent calls from individuals across the country for general information about victims' rights.

The Victim Advocate is working with the Department of Information Technology (DOIT) to bring the OVA website on line with the other state agency websites. A draft site has been created and the Victim Advocate is in the process of updating the information on the site so that the information is accurate and complete. The OVA will periodically provide updated information, as necessary, to DOIT to maintain the website. A significant new feature on the website will be the ability for the victims to download forms and instructions to better assist victims in filing formal complaints with the OVA and to better assist victims in exercising their rights throughout the criminal justice process.

OVA BUDGET

For fiscal years 2005 (actual) and 2006 (estimated), budget details for the OVA can be found in the table presented immediately below.

	Fiscal Year 2005 (Actual)		Fiscal Year 2006 (Estimated)	
Total General Fund	\$227,689		\$343,317	
<i>Expenses:</i>				
Personal Services	\$197,677		\$285,905	
Other Expenses	\$ 29,912		\$ 47,436	
Equipment	\$ 100		\$ 500	
Additional Funds (Bond):	-0-	-0-	-0-	\$ 9,476
<u>Totals</u>	<u>\$227,689</u>	<u>\$227,689</u>	<u>\$343,317</u>	<u>\$343,317</u>

During the 2005 legislative session, the General Assembly approved Public Act No. 05-287 (C.G.S. §46a-13b(b)) which transferred the OVA from the Freedom of Information (FOI) Commission to the Department of Administrative Services (DAS) for administrative purposes only. C.G.S. §4-38f details the respective duties and responsibilities of the OVA and the DAS under this relationship.¹

OVA STAFF

During the 2004 reporting period, the position of secretary became vacant. Because the OVA is such a small agency and because of the broad statutory mandates, the Victim Advocate worked with the DAS to change the “secretary” position to a position that would be more beneficial to the productivity of the OVA. The Victim Advocate was able to re-classify the position as a second Complaint Officer position.

¹ Sec. 4-38f. "Administrative purposes only", defined. Agencies assigned to departments for administrative purposes only; agencies' powers; departments' duties. (a) An agency assigned to a department for administrative purposes only shall: (1) Exercise any quasi-judicial, rule-making or regulatory authority, licensing and policy-making functions which it may have independent of such department and without approval or control of the department; (2) prepare its budget, if any, and submit its budgetary requests through the department; and (3) hire its own personnel or enter into contracts, if authorized by law, or if the general assembly provides or authorizes the expenditure of funds therefor.

(b) The department to which an agency is assigned for administrative purposes only shall: (1) Provide record keeping, reporting, and related administrative and clerical functions for the agency to the extent deemed necessary by the department head; (2) disseminate for the agency any required notices, rules or orders adopted, amended or repealed by the agency; (3) provide staff for the agency subject to the provisions of subdivision (3) of subsection (a) of this section; and (4) include in the departmental budget the agency's budgetary request, if any, as a separate part of said budget and exactly as prepared and submitted to the department by the agency.

The Victim Advocate was also successful in obtaining an additional position, as principle attorney, through the budget process.

The Victim Advocate worked with DAS to post the position of complaint officer, within the state system as well as to the public. The Victim Advocate conducted interviews and filled the position in December of 2005.

The Victim Advocate and DAS also worked to re-classify the principle attorney position to a staff attorney position because the duties and responsibilities of the staff attorney were more suitable to the needs of the OVA. The Victim Advocate will continue to work with DAS to fill this position.

CHALLENGES AND PRIORITIES FOR 2006

Despite many achievements over the years by the State of Connecticut in terms of providing and expanding victims rights and victim services, far too many crime victims in our state never become aware of these rights and/or services, especially when it matters most—i.e., during the pendency of a criminal prosecution. As a result, too many of our citizens who become victimized by crime are being denied the opportunity to assert their rights or to avail themselves of services. Affording rights to crime victims, especially rights having state constitutional stature, comes with the responsibility to educate and inform citizens regarding these rights. Crime victims simply cannot assert rights or avail themselves of services that they are not aware exist. A greater effort needs to be undertaken to adequately inform and educate the general public about crime victim rights and crime victim services. The Victim Advocate will work with the state legislature and others to accomplish the important goal of educating the public as to rights *and* services.

The OVA will attempt during 2006 to more specifically address several key problems/issues confronting Connecticut crime victims. First, the Victim Advocate and the Chief State's Attorney have agreed to begin exploring the feasibility of developing an automated victim notification system that will provide crime victims with timely notice of scheduled court dates. Such victim notification systems have been employed in other states with great success. If such a system can be developed and implemented in Connecticut, this would go a long way toward resolving one of the most frequent complaints reported by crime victims to the OVA.

Second, the OVA will examine ways to help make certain that the state constitutional right that crime victims have been afforded to receive financial restitution from offenders is being consistently honored and respected by the criminal justice system. Receiving restitution for financial losses sustained as a result of crime is something crime victims are not only entitled to under our state constitution but is also perceived by many crime victims as a very basic and fundamental part of attaining justice for harm caused by others.

Finally, the Victim Advocate will work with the state legislature and others to provide a remedy for documented violations of victims' constitutional rights. As a state, we do not provide constitutional rights to citizens without providing some form of remedy for violations of those rights. As we move into the tenth anniversary of the passage of the Victims' Rights Amendment to our state constitution, we have a responsibility to all crime victims in our state to not only ensure that victims' rights are honored and respected throughout the criminal justice process, but to hold those accountable and provide a remedy for those victims who have been denied their constitutional rights.