



# A Guide for Victims of Crime



What you  
need to  
know



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### **MESSAGE FROM THE STATE VICTIM ADVOCATE**

On behalf of the dedicated staff at The Office of the Victim Advocate (OVA) -- an independent state agency responsible for the protection and promotion of the state Constitutional and Statutory rights of Crime Victims throughout the State of Connecticut -- I am pleased to provide the following guide, which was created to better assist victims of crime as they journey through the criminal justice process in Connecticut.

As the criminal justice process can often be a source of frustration and anxiety for many crime victims, the OVA, with the creation of this guide, strives to provide pertinent information regarding the process as a whole, the crime victim's role, and recommendations and resources to assist the crime victim in understanding and exercising their state Constitutional and Statutory rights.

The guide is intended to serve only as a tool for crime victims and is not designed or intended to address any specific criminal case. The information contained in the guide is a general explanation of the criminal justice process, is not intended to direct the course of a particular case, and is not legal advice relating to a particular case. This information does not preclude a crime victim from seeking legal advice from an attorney or other advice from trained professionals.

Although we are a small office with a large task ahead of us, we are committed to bettering the criminal justice process on behalf of all crime victims in this state. A special "Thank you" is extended to OVA Complaint Officer Merit Lajoie for her tireless efforts on behalf of all crime victims, but especially for the creation of this timely resource to help educate victims about the justice system.

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# I AM A VICTIM WHAT DO I DO?

## CONTACT THE POLICE

**A crime is reported to the local police in the town where the crime occurred. If you are unsure, call 911 to report the crime. If the crime to report is identity theft, you may report it to the police in the town where you reside.**

### REPORTING THE CRIME TO POLICE:

- Ask questions and bring a supportive friend/relative, if possible
- Obtain a case number and contact information of the investigating officer
- Obtain a copy of your written statement
- Take advantage of the resources available to you:
  - Police are required to provide crime victims with an information card that lists the available services, agency contacts and victims' rights in Connecticut
- Stay positive and do not lose hope
- Be patient – investigations take time and may take several months

### DURING THE INVESTIGATION:

- Cooperate with the investigation without putting yourself in jeopardy
- Keep in routine contact with the investigator/detective
- Understand that records or detailed information about the pending investigation may not be available to you at this time
- Property may be seized as evidence and may not be released until the case is resolved
- Obtain a copy of the inventory of seized property
- Lab testing may need to be done and may take several months to be completed
- Inform investigator/detective that you want to be notified when the perpetrator is arrested

**POLICE MAKE THE ARREST:**

- Obtain the following information from the police:
  - Defendant's name
  - Date and location of the arraignment hearing (first court appearance)
  - Bond amount set
  - Any conditions of the defendant's release  
(Typically set in domestic violence matter)

**PREPARE FOR COURT:**

- If possible, visit the court prior to the first court date to familiarize yourself with the parking and court layout
- Dress comfortably – you will need to pass through a metal detector – avoid metal, loose change, belts and bags
- Keep your records organized for easy accessibility
- Criminal court doors open at 9:00 a.m.; Court begins at 10:00 a.m.
- Check-in with the prosecutor's office and/or the victim advocate's office to announce your presence

There are many cases scheduled on the criminal docket each day, therefore, there is no certain time that your case will be called. To avoid frustration, be prepared to be in court for the day. Cases may be continued by agreement without your knowledge so ask the prosecutor for an update before the prosecutor leaves the courtroom.

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# CRIMINAL JUSTICE PROCESS

## CRIMINAL JUSTICE

**The Criminal Justice System (CJS) is not designed to meet all of the needs of crime victims. The CJS serves to hold offenders accountable for their criminal conduct; deter future criminal conduct; and promote the rehabilitation of offenders.**

**Although most criminal offenses are committed against an individual person (the victim), the state lodges criminal charges against the identified perpetrator and prosecutes the criminal matter on behalf of the State of Connecticut. The State's Attorney or Prosecutor represents the state and DOES NOT technically represent the victim of the offense.**

**Victims of crime who wish to participate in the CJS must register or request to be kept informed of the status of the criminal matter and the status of an incarcerated defendant. Refer to Section 3 Resources for detailed information about how to register to be informed.**

### **ARRAIGNMENT: Non-Domestic Violence Criminal Matters**

At the first court appearance of the defendant, the court may:

- Review the arrest report for a finding of probable cause
- Consider imposing various conditions of the defendant's release
- Evaluate the amount of the bond set

At the first court appearance of the defendant, the defendant may:

- Enter a plea (nearly all defendants enter a not guilty plea; this allows the process to move to the next stage)
- Apply for the services of the Office of the Public Defender
- Request release to a treatment facility

### **ARRAIGNMENT: Domestic Violence Criminal Matters**

Defendants arrested for a domestic violence crime must be presented in court on the next business day. Domestic violence criminal matters are typically screened by the Family Relations Office before they are presented in court.

At the first court appearance of the defendant, the court may:

- Review the arrest report for a finding of probable cause
- Consider imposing conditions of the defendant's release, such as:
  - Entering a criminal protective order, including removing the defendant from the home
  - Cooperating with the Department of Children and Families
  - Submitting to substance abuse evaluation/treatment
  - Submitting to mental health evaluation/treatment
  - Monitoring by GPS

At the first court appearance of the defendant, the defendant may:

- Enter a plea
- Apply for the services of the Office of the Public Defender
- Request release to a treatment facility
- Apply for the Family Violence Education Program  
(available to first time offenders)

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### PRE-TRIAL STATUS:

The pre-trial stage of the criminal justice process can last several months or even years. This stage is the time in which the defendant and the state will attempt to resolve the criminal matter through an agreement (plea), rather than trial. Defendants are required to appear in court for regularly scheduled monthly court dates, unless excused by the court. During this pre-trial stage, it is important for the victim of crime to be informed of his/her constitutional rights and to inform the state's attorney and/or victim advocate of the desired intent to exercise their rights (a complete list of Victims' Constitutional Rights is provided for your reference in this guide).

#### **Victims of crime have the constitutional right to be notified of and attend all court proceedings**

- Notify the state's attorney and/or victim advocate, in writing, of your intent to attend each court date to ensure that you are notified of any changes in the court date
- Register to receive regular updates of criminal court docket information through the CT Statewide Automated Victim Information and Notification System (SAVIN)
- If the defendant is incarcerated, you may also register for notification with the Victim Services Unit, Department of Correction, in the event the defendant is able to post bond and is released from custody

### PRE-TRIAL DIVERSIONARY PROGRAMS:

There are several diversionary programs that are available to first time offenders who are arrested for certain types of non-violent crimes. For example, a person arrested for Driving under the Influence for the first time, may apply for the Alcohol/Drug Education Program. Detailed information about the types of diversionary programs that are available to first time offenders can be found on the Judicial Branch website: (<http://www.jud.ct.gov/Publications/CR137P.pdf>).

If a defendant makes an application for the Pre-trial Accelerated Rehabilitation, the Supervised Diversionary Program or the Family Violence Education Program, there is a requirement that the victim of the offense be notified, by certified mail, of the application and the



date and time of the hearing that the application will be considered by the court.

At the hearing, the victim has the opportunity to address the court regarding the defendant's application.

If a program is granted by the court, the defendant would be placed on a period of supervision with certain conditions that the defendant must complete by the end of the supervision period. If the defendant successfully completes the program, in most cases, the charges against the defendant are dismissed and/or nolle. If the defendant fails to complete such requirements or is arrested for a new crime during the supervision period, the defendant may be terminated from the program and the criminal matter would return to the regular criminal docket for further prosecution.

#### **PLEA AGREEMENT/BARGAIN:**

A plea agreement is an agreement between the state and defendant to resolve a criminal matter without going to trial. An agreement means that the defendant will plead guilty to some of the charges or a substitution of the charges, in exchange for a more favorable sentence than the defendant would possibly get if he/she went to trial and were found guilty.

**Victims of crime may request to be notified of the terms and conditions of any proposed plea agreement and have the constitutional right to make a statement to the court regarding any proposed plea agreement**

- The law requires the victim to notify the state's attorney of their request for the terms and conditions of any proposed plea agreement in writing, and to provide the state's attorney with a self-addressed stamped envelope, if requested by the state's attorney (C.G.S. § 54-91c(d)). Components of a plea agreement may include:
- The charges the defendant will plead guilty to
- Whether the defendant will plead guilty, nolo contendere or Alford Plea
- The proposed sentence
- The conditions of the defendant's supervision, if any



In the event that the plea agreement is presented before the court, the victim has the right to address the court regarding the proposed plea agreement.

Things the victim may want to consider could be:

- Whether you feel the proposed plea agreement is a reasonable resolution
- Whether there are additional conditions you would like to recommend, such as:
  - Restitution for out-of-pocket expenses related to the crime
  - Substance abuse evaluation/treatment
  - Mental health evaluation/treatment
  - Community service hours
  - Maintain full-time employment
  - No contact order
- Whether to present your statement to the court:
  - In person
  - In writing
  - Both in person and submit a statement in writing
  - Ask a representative of your choice to read your statement

After hearing from the state, the victim and the defense, the court will determine whether the proposed plea agreement is an appropriate resolution and may either accept or reject the plea agreement. If plea negotiations between the state and the defendant are not successful, the defendant may request a Judicial Pre-trial. This is typically the last attempt to resolve the criminal matter through a plea agreement where the judge reviews the state's offer, the defense's recommendation and may make an independent offer. The victim still has the right to be informed of the terms and conditions of the court's indicated offer and then to address the court regarding the offer. It is important to understand that the victim does not possess "veto" power over a plea agreement; the victim has the right to be informed and to be heard by the court, but NOT the right to control the proceeding.

**NOTE:** It is important for crime victims to understand that once a defendant is sentenced to a term of imprisonment, there are opportunities within the Department of Correction (DOC) for the defendant to earn credits to reduce the defendant's sentence. Such credits are controlled and awarded by the DOC; the sentencing court has no jurisdiction to affect such credits. Therefore, crime victims should be aware of such credits when evaluating a plea agreement that includes a period of incarceration. The crime victim may want to consider asking the Prosecutor or Judge how such credits will impact the proposed period of incarceration.

# TRIAL



Once a case has been placed on the trial list, the defendant no longer appears in court each month. The defendant has the choice of a jury trial or a bench trial (heard by a judge). As the case moves up the trial list, preparation will begin for the trial.

Depending on the nature of the crime, the trial could last only a few days or could last several weeks. It is a good idea that the victim schedule a meeting with the state's attorney to discuss issues such as the expected length of the trial, sensitive testimony, press coverage and other issues so that the victim is prepared for this process. As some testimony may be difficult for the victim, there should be a plan in place in the event that the victim needs to exit the courtroom and take a break.

Prior to the start of the trial, motions may be filed by either the defense or the state regarding legal issues or procedures for the trial. For example, the defense may file a motion to sequester witnesses or suppress evidence. Such motions are heard and decided outside the presence of the jury. No representative of a homicide victim may be excluded from the proceedings without a hearing (C.G.S. § 54-85c).

When the trial has concluded, instructions are given to the jury, if there is a jury, and deliberations begin. There is no limit on the length of deliberations. The jury may request a review of testimony or evidence.

Unfortunately, the victim should remain at the court while deliberations occur. If the jury reaches a verdict, the parties will be notified (the state and the defense) and the verdict will be read. If there is a guilty finding, the court will then schedule a hearing for the sentencing.

If the jury returns a verdict of not guilty, the defendant would be acquitted of the charges and released by the court.

## SENTENCING:

In preparation for the sentencing hearing, a pre-sentence investigation report (PSI) will likely be prepared by the Office of Adult Probation (OAP). The PSI is a document that contains all available information about the defendant, including the defendant's criminal history, education, work history, family ties, mental health history, substance abuse history AND the victim's opinion about the sentence and impact that the crime has had on his/her life and family. The PSI typically takes approximately eight weeks to prepare. This document is not a public record and is only available to the court, the state and the defense. The victim will not receive a copy of this report.

In some cases, a defendant may waive (forego) the PSI and proceed directly to sentencing. Particularly in cases where a plea agreement has been reached and the sentence has been determined, the court can waive the preparation of the PSI, upon the request and by agreement between the defendant and state.

Whether the defendant is being sentenced pursuant to a plea agreement or after a trial where the defendant has been found guilty, it is important for the crime victim to inform the state's attorney's office and/or the victim services advocate of their desire to exercise the right to be present and address the court regarding the sentence of the defendant.

- **Victims of crime have the constitutional right to address the court regarding the sentence of the defendant**

The victim may deliver their statement to the court in person, in writing, both in person and in writing or have a representative read the statement to the court. As part of the statement, the victim may also wish to use visual aids such as photographs, letters, drawings or other information. Any request for visual aids should be made in advance with the state's attorney to ensure that the proper equipment is available and operating in the courtroom.

- **The defendant may provide a statement to the court**

The defendant may or may not decide to make a statement to the court prior to being sentenced. Victims should prepare to hear statements that may or may not be upsetting, including the offering of an apology by the defendant.

## AUTHORIZED SENTENCES:

When sentencing a defendant, the court is bound by the authorized sentence (s) associated with the offense classification of the crime or crimes the defendant is convicted.

OFFENSE CLASSIFICATION	AUTHORIZED SENTENCE	FINE
Class A FELONY – Murder with Special Circumstances (Unless committed prior to April 25, 2012)	Life (60 years) without the possibility of release	Up to \$20,000
Class A FELONY – Murder	Not less than 25 years, no more than 60 years	Up to \$20,000
Class A FELONY – Aggravated Sexual Assault 1 <sup>st</sup> of a Minor	Not less than 25 years, no more than 50 years	Up to \$20,000
Class A FELONY	Not less than 10 years, no more than 25 years	Up to \$20,000
Class B FELONY – Manslaughter 1 <sup>st</sup> with a Firearm	Not less than 5 years, no more than 40 years	Up to \$15,000
Class B FELONY	Not less than 1 year, no more than 20 years	Up to \$15,000
Class C FELONY	Not less than 1 year, no more than 10 years	Up to \$10,000
Class D FELONY	Up to 5 years	Up to \$5,000
Class E FELONY	Up to 3 years	Up to \$3,500
Class A MISDEMEANOR	Up to 1 year	Up to \$2,000
Class B MISDEMEANOR	Up to 6 months	Up to \$1,000
Class C MISDEMEANOR	Up to 3 months	Up to \$500
Class D MISDEMEANOR	Up to 30 days	Up to \$250

The chart above depicts authorized sentences for crimes committed after July 1, 1981. Anyone convicted of any offense prior to July 1, 1981 would face the penalty associated with the crime at the time of the offense. Additionally, a sentence may require that a “mandatory” portion of such sentence be imposed, pursuant to the statute of the offense.

#### AUTHORIZED SENTENCES CONTINUED:

Connecticut DOES NOT have a “three-strikes law” as it is commonly referred to; rather, Connecticut law provides for an enhanced penalty for defendant’s convicted of certain, repeated offenses (persistent offenders).

Types of Sentences Imposed	
A term of imprisonment	A definite term of imprisonment defined by the sentencing court
A split sentence	A definite term of imprisonment defined by the sentencing court, suspended after a portion of the sentence is
A suspended sentence	A definite term of imprisonment defined by the sentencing court, with the entire sentence suspended, followed
A fine	Payment of a fine defined by the sentencing court in lieu of a term of imprisonment
Multiple Sentences imposed	Consecutive – Each sentence is served after the other
	Concurrent – Sentences are served parallel to each other

During the sentencing hearing, the court will hear statements from the state, the victim (s) of the offense and the defense. After hearing from all represented persons, the court will determine the appropriate sentence to impose on the defendant. Many factors influence the decision, including but not limited to, the nature of the offense, the impact of the offense on the victim, and the defendant’s criminal history. If the court imposes a period of supervision, the court may impose certain conditions of the defendant’s supervision, such as: (1) maintain full time employment; (2) community service; (3) restitution to the victim; (4) substance abuse evaluation and treatment; and (5) no contact orders. As part of the victim’s statement, the victim may recommend certain conditions of supervision for the court to consider.

To ensure that the victim is notified of any post-conviction remedies sought by the defendant, including sentence review, sentence reduction, violation of probation and release to parole, the victim must maintain current contact information with the notifying agency.

**AUTHORIZED SENTENCES CONTINUED:**

**The defendant is sentenced to a period of incarceration**

- During the incarceration period, the inmate will eventually become eligible for a variety of early release opportunities. As long as the victim is registered to receive notification and maintains current contact information, the victim should receive notice of any and all early release opportunities sought by the inmate.
- Inmates have an opportunity to earn Risk Reduction Credits (RREC), up to five days a month, off the end of their sentence if they participate in programming and remain discipline free while incarcerated. Inmates convicted of Murder; Felony Murder; Capital Felony Murder; Arson Murder; Aggravated Sexual Assault 1st; and Home Invasion are NOT ELIGIBLE to earn RREC credits.

**The defendant is sentenced to a period of supervision**

- The defendant may be sentenced to a period of supervision (probation) following release from prison or may be sentenced to a period of supervision only. Typically, the court will impose conditions that the defendant must fulfill and abide by during the supervision period. If there are conditions imposed relating to the victim, such as no contact or restitution, the victim should receive a notice from the Office of Adult Probation regarding the conditions and contact information for the supervising officer.

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## POST CONVICTION:

If the defendant is arrested while on a period of supervision, or if the defendant violates one or more of the conditions of supervision, the Office of Adult Probation or the State's Attorney may seek a warrant for the arrest of the defendant. If arrested, and during the hearing on the violation, the court may continue the sentence of supervision, modify or enhance the conditions of supervision, sentence the defendant to any portion of the suspended sentence followed by supervision, or terminate the defendant's supervision and sentence the defendant to a period of incarceration, not to exceed the previous suspended sentence imposed.

A defendant sentenced on or after October 1, 2008, to a period of probation of more than two years for a Class C or D felony or an unclassified felony, or more than one year for a Class A or B misdemeanor, may be eligible to terminate the period of probation early if the defendant has complied with all of the conditions. The victim of the crime shall be notified whenever a person's sentence of probation may be terminated and has the right to attend and be heard concerning whether the person's sentence of probation should terminate early.



## PARTICIPANTS IN THE COURT ROOM

**Clerk:** Is an officer of the court whose responsibilities include maintaining the records of a court

**Court Reporter:** Is a person whose occupation is to transcribe spoken or recorded speech into written form, to produce official transcripts of court hearings, depositions and other official proceedings.

**Judge:** A judge is an official person who presides over court proceedings, either alone or as a part of a panel of judges. The judge hears all the witnesses and any other evidence presented by the parties of the case, assesses the credibility and arguments of the parties, and then issues a ruling on the matter at hand based on his or her interpretation of the law and his or her own personal judgment. In some jurisdictions, the judge's powers may be shared with a jury.

**Marshall:** Call the Court to order, maintain decorum in the courtroom, tape the audio portions of argument, and time the oral presentations so that attorneys do not exceed their one-half hour limitations.

**Public Defender:** An attorney appointed by a court to represent indigent defendants in criminal matters.

**States Attorney:** Also called the prosecutor. Represents the state in all criminal cases.

**Victim Advocate:** a person who assists and/or argues for a victim of crime in a court of law.

## RESOURCES

**Connecticut operates as an “Opt-In” system for victim participation in the criminal justice system. It is important for the victim to understand the necessary steps to take to ensure that they are kept informed throughout the criminal justice process.**

### **PRE-ARREST/ARREST:**

Whenever a police officer determines that a crime has been committed, the officer is required to present a card to the victim of the offense that contains information about the rights of crime victims and the services that are available to crime victims throughout the state. Inform the police officer that you wish to be notified of the arrest of the defendant and of the date, time and place that the defendant will be presented for arraignment. In most cases, once an arrest has occurred, the law enforcement agency provides the court with all the necessary information and is no longer involved in the matter. At this point, the crime victim should contact the state’s attorney’s office and/or the victim services advocate at the court for further assistance.

### **PRE-CONVICTION NOTIFICATION:**

#### **Notification of status of inmate**

Whenever an individual is arrested for a criminal offense, the individual may be released on bond, released on a promise to appear or may be unable to post bond and will be held in custody. If an arrested person is unable to post bond and remains in the custody of the Department of Correction, the victim of the crime may register with the Department of Correction, Victim Services Unit (DOC-VSU), to receive notice of the inmate’s status as long as the inmate remains in the custody of DOC. To register, contact DOC-VSU at **1-888-869-7057**. The DOC-VSU maintains notification to crime victims 24 hours/day; 7 days/week.

### **Public Access to inmate information**

The Department of Correction (DOC) website ([www.ct.gov/doc](http://www.ct.gov/doc)) contains information about those who remain in the custody of DOC.

### **Public Access to criminal case information**

The Judicial Branch website ([www.jud.ct.gov](http://www.jud.ct.gov)) contains information about pending criminal/motor vehicle cases as well as criminal conviction information. Depending on the nature of the charges, any pending criminal matter involving a juvenile defendant may not be available on the website.

### **Notification of pending criminal case information**

Whenever there is a criminal case pending, the victim of the offense may register with the Statewide Automated Victim Information and Notification System (SAVIN) and receive regular updates about that criminal case. If a defendant has multiple criminal cases pending, the victim must register for each of the criminal cases to receive notification of each case. To register for notification with SAVIN, please access the Judicial Branch website ([www.jud.ct.gov](http://www.jud.ct.gov)), locate the pending case information and click on the link below the case information.

### **Request the terms and conditions of any proposed plea agreement, in writing:**

C.G.S. § 54-91c(d) requires the state's attorney to provide the terms of any proposed plea agreement, in writing to the victim, upon the request of the victim.

### **Request to be notified of the date, time and place of any proceeding concerning the acceptance of a plea agreement AND the sentencing hearing .**

C.G.S. § 54-91c(c)(1) requires the state's attorney to notify the victim of the offense of the hearing concerning the acceptance of a plea agreement AND the sentencing hearing, provided the victim has informed the state's attorney that the victim wishes to make a statement or submit a statement for the record AND has complied with a request from the state's attorney to submit a stamped, self-addressed postcard for the purpose of such notification.

## **VICTIM SERVICE ADVOCATES:**

### **The Office of Victim Services, Judicial Branch, (OVS-VSA)**

Depending on the nature of the crime, the victim may seek the assistance of a Victim Services Advocate. Such assistance includes:

- Assistance in the preparation of a victim impact statement
- Notification of rights
- Information and advice to assist victims in exercising their rights
- Referrals to services
- Assist with coordination and filing of an application for victim compensation
- Accompaniment to court proceedings
- **A list of Victim Services Advocates can be found at:**

[http://www.jud.ct.gov/crimevictim/VSA\\_Program.pdf](http://www.jud.ct.gov/crimevictim/VSA_Program.pdf)

### **Family Violence Victim Advocates (FVVA)**

OVS contracts with the CT Coalition Against Domestic Violence (CCADV) to provide Victim Advocate services to victims of domestic/family violence. If the defendant has been arrested for a domestic/family violence crime, the victim should immediately contact the local domestic violence organization or call the domestic violence hotline (**1-888-774-2900**) to find the location of the closest member program. The FVVA is located in the criminal court and works in collaboration with the Family Relations Office, where most domestic/family violence matters are first referred and assessed. In addition to the above assistance, FVVA may assist victims of domestic violence with safety planning; orders of protection; and other services specific to domestic/family violence.

#### **Other crime-specific victim advocates include:**

- Mothers Against Drunk Driving (MADD) **(800) 544-3690**
- CT Sexual Assault Crisis Services, Inc. (CONNSACS) **(888) 999-5545**
- Survivors of Homicide (SOH) **(860) 257-7388**

Although other organizations, such as the ones listed above, provide “victim advocate” services to their member clients, the court-based victim advocate services are provided by the OVS Victim Services Advocates. For example, if the criminal matter involves the homicide of a loved one, the surviving family may seek the services of SOH, but, for purposes of the pending criminal matter, the OVS-VSA will assist the surviving family throughout the criminal justice process, if there is a victim services advocate in that jurisdiction.

**COMPENSATION:**

The Office of Victim Services (OVS) operates the Criminal Injuries Compensation Fund (CICF). The fund is available to qualifying victims of crime for reimbursement of certain expenses related to the crime.

Examples of the expenses include:

- Medical/Dental expenses NOT covered by insurance or other collateral source
- Funeral/Burial expenses, not to exceed \$5,000
- Loss of support in cases of homicide
- Lost wages resulting from physical injury or death
- Crime scene clean-up (up to \$1,000)
- Counseling services

For more information about the compensation program or other services, visit the OVS website at [www.jud.ct.gov/crimevictim](http://www.jud.ct.gov/crimevictim) or call **800-822-8428**. The compensation program **DOES NOT** include reimbursement for property loss or damage.

**RESTITUTION:**

Victims of crime have a constitutional right to receive restitution from the offender for any out of pocket expenses related to the crime. Restitution may be ordered by the criminal court if:

- The offender is convicted of an offense that resulted in injury or damage to property
- The victim has requested restitution and provided the court with documentation to substantiate the loss, and
- The court finds that the victim has suffered injury or damage to property as a result of the offense

In determining the appropriate terms of financial restitution, the court shall consider:

- The financial resources of the offender
- The offender's ability to pay
- The rehabilitative effect on the offender, and
- Other circumstances, including the financial burden and impact on the victim

Restitution may be ordered for actual expenses relating to the crime and may include reimbursement for property damage or loss and for reimbursement for actual expenses incurred for treatment for injury or lost wages resulting from injury.

- Restitution **CANNOT** be ordered for mental anguish, pain and suffering
- Restitution **CANNOT** be ordered for reimbursement of those expenses that the victim is seeking reimbursement from the Victim Compensation Program
- Restitution **CANNOT** be ordered for those expenses that the victim is seeking reimbursement for through the civil court or small claims court

Typically, restitution is ordered by the criminal court at the time of disposition and as a condition of the defendant's probation. However, in addition, the victim should request a "Written Order of Restitution" to protect the restitution order in the event the defendant is later violated on his/her probation. The Written Order of Restitution (Form JD-CR-130) is enforceable as a civil judgment and is valid for 10 years.

Examples of documentation to substantiate a loss include estimate for repair, statement from insurance carrier regarding deductible, appraisal and receipts. If necessary, the court may require a hearing to determine the appropriate amount of restitution and may require testimony under oath relating to the victim's claim of restitution. The court may also find that restitution is not appropriate depending on the facts and circumstances of a particular case.

## **POST-CONVICTION NOTIFICATION:**

### **Notification of inmate status**

The Office of Victim Services (OVS), a Judicial Branch agency, provides post-conviction notification to victims who register to receive notification of an inmate's status. If the defendant has received a sentence of incarceration in the criminal matter, the victim may register with OVS to receive notification of the inmate's status during the incarceration period. Such notification includes any early release opportunities the inmate may apply for and notice of the inmate's release from prison.

**Note:** If a victim has registered with the DOC-VSU for pre-conviction notification, this notification will continue post-conviction through the inmate's release from incarceration. A victim may register with both DOC-VSU and OVS for post-conviction notification, however, as a result, the victim will receive (2) notifications of any event. It is critical for the victim to maintain current contact information to ensure that notifications are received.

#### OFFICE OF THE VICTIM ADVOCATE:

The Office of the Victim Advocate (OVA) is an independent state agency, charged with the responsibility of protecting and enforcing the constitutional and statutory rights of crime victims throughout the state. Among other things, the OVA strives to monitor the provision of services provided to victims of crime; receives and investigates complaints, where necessary, regarding their treatment ***within the criminal justice system***; may intervene in any proceeding to advocate for a crime victim's right; advocates for legislative and/or policy improvements for the betterment of victims; and conducts programs of public education and outreach regarding the services available to crime victims in the state. For more information about the OVA, contact the office by calling: **(860) 550-6632** or toll free in CT: **(888) 771-3126** or visit the OVA's website at [www.ct.gov/ova](http://www.ct.gov/ova)

#### PROTECTIVE SERVICES:

##### Witness Protection Program

In any investigation or prosecution of a serious felony offense, the State's Attorney for the Judicial District may identify any witness/victim as a witness at risk of harm and certify such witness/victim into the Witness Protection Program. For questions regarding the program, call **(860) 258-5800**.

##### Safe at Home (Address Confidentiality Program)

The Address Confidentiality Program (ACP) helps crime victims (family violence, sexual assault, injury or risk of injury to a minor, or stalking) keep their new address confidential. The ACP offers its participants two services, each of which helps keep the victim's new location secret. One part is the participant's use of an ACP substitute mailing address. The ACP provides cost-free mail forwarding services. The Office of the Secretary of the State serves as each program participant's legal agent for service of process and receipt of first class mail. The second part of the program prevents public access to a participant's actual address on government records including voter registry lists and keeps marriage records confidential. For questions regarding the ACP, call the Secretary of the State's Office at **(860) 509-6200**.

# VICTIM'S HAVE RIGHTS

## CRIME VICTIM'S CONSTITUTIONAL RIGHTS IN CONNECTICUT

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.

**Definition of "Victim of crime" or "crime victim" (C.G.S. § 1-1k)**

Except as otherwise provided by the general statutes, "victim of crime" or "crime victim" means an individual who suffers direct or threatened physical, emotional or financial harm as a result of a crime and includes immediate family members of a minor, incompetent individual or homicide victim and a person designated by a homicide victim in accordance with section 1-56r.

**NOTE:** The definition of crime victim may vary if you are:

- Asserting your constitutional and/or statutory rights throughout the criminal justice process;
- Making an application for victim compensation with the Office of Victim Services (C.G.S. § 54-201);
- Registered to receive notification of an inmate's status with the Office of Victim Services and/or the Department of Correction, Victim Services Unit (C.G.S. § 18-81e); and
- Participating in the Board of Pardons and Paroles process (C.G.S. § 54-126a).



## POST CONVICTION RELEASE

**As most criminal offenders will eventually be released back into our communities, there is an emphasis on re-entry and rehabilitation to enhance the offender's successful transition out of incarceration. Victims that register to receive notification and maintain current contact information will be notified of an inmate's application for early release and an opportunity to provide input regarding the inmate's possible release.**

### **RELEASED TO SUPERVISED PAROLE:**

Any Inmate that is sentenced to more than 2 years in jail may apply to the Board of Pardons and Paroles seeking early release. Any victim registered to receive notice of an inmate's status will be informed of the inmate's application and expected date for a parole hearing. It is critical for registered victims to maintain current contact information to ensure timely notification. Any inmate convicted of the following crimes is **NOT** eligible for parole consideration:

- 53a-54a Murder
- 53a-54b Capital Felony Murder
- 53a-54c Felony Murder
- 53a-54d Arson Murder
- 53a-70a Aggravated Sexual Assault 1<sup>st</sup>

The crime for which the inmate was convicted will determine the timing of eligibility for parole consideration. Certain "violent offenses" require the inmate to serve 85% of the court imposed sentence before becoming eligible for parole release; other "non-violent offenses" require the inmate to serve 50% of the court imposed sentence.

**Victims of crime have the statutory right to be notified of and attend the hearing of an inmate being considered for release to parole and to provide a statement to the Board concerning the inmate's release:**

- The Office of Victim Services is required to assign two Victim Services Advocates to the Board of Pardons and Paroles to assist victims in the pardons and paroles process.

- For more detailed information on the Pardons and Paroles process, call (203) 805-6605 or on the website, visit: [www.ct.gov/bopp](http://www.ct.gov/bopp)
- Victims may maintain anonymity while participating through the parole process to ensure their continued safety—ask the victim services advocate about this policy.

#### **PROBATION SUPERVISION:**

If an inmate is sentenced to a period of probation following the period of incarceration, approximately 4-6 weeks prior to the inmate's release, the Office of Adult Probation (OAP) will meet with the inmate to determine the inmate's placement into the community and the resources available for a successful re-entry and probation term. An inmate may be released early (on parole or community release) and already established in the community and then transition to the supervision of the OAP.

#### **SPECIAL PAROLE:**

For conviction of certain offenses, the sentencing court may impose a period of Special Parole. Special Parole is part of the defendant's sentence and may be served in the community or while incarcerated. If the inmate is released to Special Parole and violates the conditions imposed, the inmate may be returned to custody and may serve the remaining portion of the Special Parole sentence while incarcerated or may be returned to the community under supervision.

#### **END OF SENTENCE:**

At some point in time, the offender's sentence will end. If the offender is incarcerated, and not eligible for early release, the inmate may serve his/her sentence until the maximum discharge date. If the offender is under supervision, the sentence ends when the supervision term has been completed.

The application of Risk Reduction Earned Credits reduces the inmate's sentence by up to 5 days per month, or a maximum of 60 days per year. Therefore, the sentence discharge date will change each month by 5 days, assuming that the inmate has earned such credits. For inmates sentenced prior to 1994, the statutory good time credit provided inmates with as many as 15 days per month off the end of the sentence.

## COMMONLY USED TERMS

Review the list of commonly used terms to ensure that you understand the language that is being used within the criminal justice system.

<b>Affidavit</b>	A written statement made under oath.
<b>Alford Doctrine</b>	A plea in a criminal case in which the defendant does not admit guilt, but agrees that the state has enough evidence against him or her to gain a conviction. This allows the defendant to enter into a plea bargain with the state, without having to admit his or her guilt.
<b>Appeal</b>	Asking a higher court to review the decision or sentence of a trial court.
<b>Arraignment</b>	The first court appearance of a person accused of a crime.
<b>Bail Bond</b>	Money or property given to the court to secure the temporary release of a defendant. There are two kinds of bonds:  <u>Non-financial bonds:</u> a) Non surety bond where the defendant's signature alone guarantees the amount of bond and the defendant is not required to post any property; or b) Promise to appear.  <u>Surety bonds:</u> The court requires cash, real estate, or a professional bail bondsperson's signature as collateral before releasing the defendant. The court may allow the defendant to post 10% of the bond in case to secure his or her release.
<b>Conditional Discharge</b>	A disposition in criminal cases where the defendant must satisfy certain court-ordered conditions.

<b>Continuance</b>	The postponement of a court case to another date
<b>Conviction</b>	To be found guilty of committing a crime.
<b>Defendant</b>	The person who is arrested and charged with a crime.
<b>Dismissal</b>	A judge's decision to end the case, without convicting the defendant.
<b>Disposition</b>	The manner in which a case is settled or resolved.
<b>Docket</b>	A list of cases scheduled to be heard in court on a specific date.
<b>Docket number</b>	A unique number that the court clerk assigns to each case.
<b>Electronic Monitoring</b>	An electronic system that provides the Probation Officer a report about whether the offender has obeyed the restrictions on his or her movement.
<b>Ex-parte</b>	Done for, or at the request of, one side in a case only, without prior notice to the other side.
<b>Execution suspended</b>	A prison sentence that is suspended in whole or in part.
<b>Failure to appear</b>	Failing to come to court for a scheduled hearing.
<b>Family Violence Victim Advocate</b>	A person who works with domestic violence victims to determine their needs and inform them of their rights and the resources available to them.

<b>Guardian Ad Litem</b>	A person appointed by the court to represent a minor child's best interests.
<b>Indigent</b>	Someone who the court determines cannot afford to pay certain fees or the cost of an attorney.
<b>Information</b>	The formal court document in the clerk's file, which contains the charges, dates of offenses, bond status, continuance dates and disposition.
<b>Mittimus judgment</b>	The formal document prepared by the court clerk to present a convicted defendant to the Department of Correction for incarceration. Also called the "Mitt."
<b>Modification</b>	Request to change a prior court order. Usually requires a change in circumstances since the prior order.
<b>No contact order</b>	A court order that prohibits contact by a defendant with another person and may be ordered by a judge, a bail commissioner, a probation officer, a police officer or a parole officer.
<b>Nolle</b>	Short for nolle prosequi, which means "no prosecution." A disposition where the prosecutor agrees to drop the case against the defendant but keeps the right to reopen the case and prosecute at any time during the next thirteen months.

<b>Nolo Contendre</b>	Means “no contest.” A plea that allows the defendant to be convicted without admitting guilt for the crime. Although a finding of guilty is entered on the criminal court record, the defendant can deny the charges in a civil action based on the same acts.
<b>No contest</b>	Also called Nolo Contendre.
<b>Parole</b>	Release from incarceration after serving part of a sentence.
<b>Party</b>	A person that is named as a plaintiff or defendant on legal papers. In criminal cases, it is the State of CT v. the named defendant. Although victims have a role in the criminal justice process, crime victims are not a party in the criminal case.
<b>Plea</b>	An accused person’s answer to a criminal charge.
<b>Plea Bargain</b>	The agreement a defendant makes with the prosecutor to avoid a trial. Usually involves pleading guilty to lesser charges in exchange for a lighter sentence.
<b>Post Judgment</b>	Any request to a court or action by a judge after a judgment in a case.
<b>Pre-sentence Investigation</b>	Also called PSI. A background investigation conducted by a probation officer on a person who has been convicted of a criminal offense.

<b>Pretrial</b>	A conference with the prosecutor and the defense attorney, and sometimes the judge, to discuss the case status and what will happen next. Pretrial can last several months or years.
<b>Probable Cause Hearing</b>	A hearing held to determine if enough evidence exist to prosecute an accused. The probable cause hearing must be held within 60 days of the filing of the complaint, unless the accused person waives the time period.
<b>Prosecutor</b>	Also called the state's attorney. Represents the state in all criminal cases.
<b>Protective Order</b>	A criminal court order issued by a judge to protect victims of certain crimes.
<b>Public Defender</b>	An attorney appointed by a court to represent indigent defendants in criminal matters.
<b>Restitution</b>	Money ordered to be paid by a criminal defendant to a victim for expenses related to the crime.
<b>Restraining order</b>	A civil court order to protect a family or house hold member from physical abuse.
<b>Sentence modification</b>	A defendant's written application to the sentencing judge or court to reduce the sentence. If the original sentence was more than three years, the prosecutor must agree to hold a hearing.

<b>Sentence review</b>	A defendant's written application to a three judge panel to review the sentence. The application must be filed within 30 days after being sentenced. A review decision can increase, decrease or affirm the sentence.
<b>State's Attorney</b>	Also called the prosecutor. Represents the state in all criminal cases.
<b>Statute</b>	A law enacted by the legislative body.
<b>Statute of Limitations</b>	A certain time allowed by law for starting a case.
<b>Subpoena</b>	A command to appear in court to testify as a witness.
<b>Substitute charge</b>	In a criminal case, a charge that replaces the original charge by the prosecutor.
<b>Time served</b>	A sentence of incarceration equal to the amount of time a defendant has already spent in custody.
<b>Transcript</b>	The official written record of everything said at a court proceeding.
<b>Transfer</b>	Assignment of a case to another court location by court order.
<b>Unconditional discharge</b>	A sentence in a criminal case in which the defendant is released without imprisonment, supervision or conditions.
<b>Vacate</b>	To cancel or rescind a court order.

<b>Victim Services Advocate</b>	A person who assesses a victim's needs and helps the victim understand the court case, how to exercise their rights and how to access other resources.
<b>Violation of probation</b>	Action or inaction that disobeys a condition or probation.

\*This information is current as of the date of print, 3/1/2014.  
Questions regarding changes in the law or process can also be  
directed to our office, or your trusted source.



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