



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

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**Testimony of Stephen N. Ment
Judiciary Committee Public Hearing
February 28, 2007**

**House Bill 7235, An Act Concerning Crime Victims And
The Authority Of The Victim Advocate**

Good afternoon. My name is Stephen Ment and I am here to testify on behalf of the Judicial Branch in regards to *House Bill 7235, An Act Concerning Crime Victims and the Authority of the Victim Advocate*. The Judicial Branch has several concerns with this bill.

The Judicial Branch has consistently opposed the proposals submitted by the Office of Victim Advocate over the past several years that would give the Victim Advocate the authority to pursue appellate relief and the power to subpoena individuals (including judges) and documents. This is a power that even our Chief State's Attorney does not have, and we do not believe that it should be granted to the Victim Advocate.

Sections 2 and 6 of the bill would give the Victim Advocate broad access to records, even if other statutes provide for their confidentiality. It appears that section 2 would include records that have been sealed pursuant to court order, records that have been erased and records that by statute, in addition to being confidential, can only be used for a specified purpose and are not subject to subpoena. An example of this is records that contain information given to a bail commissioner pursuant to C.G.S. § 54-63d(e). Section 6 of the bill would grant the victim advocate access to youthful offender records, which are statutorily confidential. It is unclear why the Victim Advocate

would need explicit access to records pertaining to youths when the victim can already access this information him or herself.

We also have concerns with section 4 of the bill. The proposal in this section does not consider the extensive intake process that is currently in place for family violence cases, and would require significant additional resources to implement. Currently, the Family Services unit of our Court Support Services Division (CSSD) interviews the victim and the defendant in all protective order cases. The information they obtain is critical to the proper issuance of the order and to ensure proper distribution to the appropriate agencies. After collecting all the necessary information, the Family Relations Counselors then make a recommendation to the Court, based on that information, as to whether a protective order should be issued and the extent of the order. As this proposal will clearly increase the number of cases for which protective orders may be issued, additional resources may be required to ensure that we have adequate staff to conduct the intake on these additional cases.

Section 5 of the bill creates an additional burden on the Judicial Branch by shifting the responsibility for providing notice to a victim that a defendant has applied for accelerated rehabilitation (AR) from the defendant to the court. The Branch is concerned with this initiative. As you may be aware, our court clerk's offices are severely short-staffed. Currently, there are at least 70 essential vacancies we cannot fill due to budgetary constraints. Furthermore, the court clerk is not in possession of victim contact information. This requirement would further compound a situation which is already untenable, and we will not be able to comply with it unless significant additional resources are provided.

Providing presentence investigations (PSI's) to victims pursuant to Section 7 is also problematic. As noted above, the court clerk is not in possession of victim contact information. Requiring probation officers to carry out this function would also present logistical difficulties; because delivery to crime victims would be required twenty-four hours prior to sentencing, officers will be required to finish reports earlier so that the victim's statement can be mailed - perhaps by certified mail - or hand delivered. If

compelled to hand deliver the statement to the victim, probation officers would spend time away from their critically important public safety function.

Section 8 requires the establishment of a "crime victim assistance center" at each courthouse. Frankly, we are unsure as to what is contemplated. Information of interest to crime victims is readily available now in our courthouses. Some courts have Court Service Centers and others have Court Information Desks, both of which make brochures, pamphlets and court forms available to the public. Courts without Court Service Centers also prominently display crime victim information. If it is the intent of this section to create an additional resource center within the court, we must oppose it; we have neither the space nor the staff to implement it.

Finally, in regards to section 9, which would mandate the development of an additional form that would be required of crime victims who intend to exercise their rights, it is unclear, in light of clause (3), why this form is necessary. Furthermore, it is not clear what would happen if a crime victim did not initially want to signify their desire to exercise their rights, but later changed their mind.

Thank you for the opportunity to testify.