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Testimony of Natasha M. Pierre, Esq., State Victim Advocate
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Good morning Senate Coleman, Representative Tong and distinguished members of the Judiciary Committee. For the record, my name is Natasha Pierre and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony in SUPPORT of:

Raised Senate Bill No. 442, An Act Concerning a Victim's Right to be Reasonably Protected from a Person Accused of Committing a Crime

Crime victims in Connecticut have a State Constitutional right to be reasonably protected from the accused throughout the criminal justice process. Section 1, 2 and 3 of Raised Senate Bill No. 442 directly relate to a victim's right to be protected.

Section 1:

The issuance of an order of protection is often a trigger to increased violence against a victim, and therefore, upon the issuance of an order of protection by the court, a defendant or respondent of the order is required to surrender, deliver or transfer any firearms in their possession within two business days. As victims are continually assessing their safety and taking all necessary precautions to enhance their safety, some victims will contact law enforcement to confirm that the defendant or respondent of the order has complied with the requirement to surrender, deliver or transfer all firearms. The response from law enforcement is that this information is confidential, leaving victims to wonder whether the defendant or respondent is still in possession of any firearms.

This is especially true in cases where a victim has indicated to the court that the defendant or respondent does possess firearms. Such disclosures, made to a family relations officer in criminal court or through their application for an order of protection in civil/family court, may contain information about firearms that may or may not be registered with the Department of Emergency Services and Public Protection (DESPP). While the system relies on the victim or applicant to provide this information, the victim has no way to confirm that the defendant or respondent has in fact complied with the firearms restrictions. Section 1 will provide victims with notice of compliance so that victims can effectively assess their safety needs.

Section 2:

Currently, a defendant with psychiatric disabilities or a defendant who is a veteran, who are accused of a crime for which a sentence to a term of imprisonment may be imposed and that are not of a serious nature, may apply to the court for participation in the Supervised Diversionary Program. For the purposes of the program, psychiatric disability means a mental or emotional condition, other than solely substance abuse, that (1) has substantial adverse effects on the defendant's ability to function and (2) requires care and treatment. Veteran means a person who is found to have a mental health condition that is amenable to treatment and was discharged from active service under conditions other than dishonorable.

To determine program eligibility, the Court Support Services Division (CSSD) provides an assessment of the person's mental health condition, whether the person is amenable to treatment, if appropriate community supervision, treatment and services are available and develops a treatment plan to be presented to the court. If the court grants the program, the defendant is supervised by a probation officer who has specialized training in working with persons with psychiatric disabilities. Defendants who successfully complete the program are rewarded with a dismissal of the criminal charges.

The Office of the Victim Advocate (OVA) recognizes the benefits of diversionary programs to certain criminal defendants. Certainly, defendants with mental health conditions, if amenable to treatment, are better served by supervision, treatment and services rather than incarceration. However, the OVA also recognizes that certain diversionary programs, including the Supervised Diversionary Program for persons with mental health conditions, are a means to an end for many defendants.

Shortly you will hear from a victim of harassing and threatening behavior by a neighbor. This behavior continued even after the arrest of the defendant and while the court imposed a condition of no contact on behalf of the victim. As this defendant had prior criminal convictions, his options were limited for a favorable disposition, except for the Supervised Diversionary Program. During the hearing in which the court granted the defendant's application, the victim requested that the defendant surrender his firearms for the duration of his supervision. That request was not granted by the court.

The OVA does not believe this was an unreasonable request. After all, the defendant chose to make an application for the Supervised Diversionary Program. The defendant was deemed eligible, meaning, after an assessment, was found to have a psychiatric disability that has a substantial adverse effect on the defendant's ability to function. The OVA strongly urges the Committee to vote favorably on this proposal to ensure that victims are provided a reasonable level of protection while the defendant is engaged in the Supervised Diversionary Program.

Section 3:

The pre-trial accelerated rehabilitation program is available to "first time" offenders charged with minor offenses, including motor vehicle violations. As part of the application process, the defendant is required to provide notice of the application to any victim of the crime. Among the charged offenses for which a defendant may be eligible are assault, harassment, threatening and stalking. For the victims of such crimes, receiving a notice directly from the offender, who may

or may not have known the victim previously, is unsettling at best. While a defendant certainly has a right to confront his/her accuser in court, that right should not include the defendant being provided the name, home address and telephone number of the victim.

The OVA has received many calls from victims relating to this issue. Most recently, a victim, who is also a parole officer, had her car burglarized. The defendant, unknown to the victim, was arrested and applied for the pre-trial accelerated rehabilitation program (A/R). The defendant was provided, by the court, with the victim's name and home address. Another victim of a road rage incident where the defendant threatened to kill the victim and his entire family was arrested and applied for A/R. Again, the court provided the defendant with the victim's name, home address and telephone number. Since that time, the victim has further reported to the OVA having received anonymous telephone calls and unusual cars driving by his house at different times. The victim has since relocated.

Section 3 of Raised Senate Bill No. 442 will require the court clerk, rather than the defendant, to provide notice to the victim when a defendant makes an application for A/R. This will ensure that victims are reasonably protected from the accused and are not further victimized by the defendant.

Crime victims in Connecticut have a State Constitutional right to information about the arrest, conviction, sentence, imprisonment and release of the accused. Section 4 of Raised Senate Bill No. 442 will ensure that crime victims are provided with critical and timely information so that other participatory constitutional rights can be exercised.

Currently, a police officer is required to provide a victim of crime with an informational card, at the scene, that contains a listing of rights and available services. However, victims are routinely not informed of any information regarding the arrest of the accused. Such information, particularly the date of the accused's first court appearance, is crucial information for the victim to then assert other legal rights, including the right to attend all court proceedings and to be reasonably protected. Important decisions are often made at the defendant's first court appearance (arraignment), including the defendant's release status, conditions of release and the issuance of an order of protection.

Section 4 will require a police officer to provide this important information to victims. Connecticut is considered an "opt-in" state- meaning victims must take certain steps to "opt-in" to the criminal justice system. Crime victims are unable to "opt-in" if they are not aware of the first stage of the process, the arraignment. I strongly urge the Committee's favorable report.

Thank you for consideration of my testimony and for your continued support of crime victims in Connecticut.