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Testimony of Natasha M. Pierre, Esq., State Victim Advocate  
Submitted to the Judiciary Committee  
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Good morning Senator Doyle, Senator Kissel, Representative Tong and distinguished members of the Judiciary Committee. 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 **OPPOSITION** to:

House Bill No. 5040, An Act Concerning Adjudication of Certain Young Adults in Juvenile Court;

House Bill No. 5042, An Act Concerning Prosecution of Low-Risk Young Offenders in Adult Court

In 1996, Connecticut residents overwhelmingly supported an amendment to the state's Constitution to provide crime victims with rights throughout the criminal justice process. Among those rights is the right to be reasonably protected from the accused throughout the criminal justice process and to restitution from the offender for losses sustained from treatment of physical injury and/or property damage.

Although the constitutional amendment did not distinguish between adult and juvenile cases, a separate set of statutory rights were developed to address matters when the offender is a juvenile. Consequently, the juvenile court is limited in its authority, and crime victims are limited in their exercise of their constitutional rights when the offender is a minor.

House Bill Nos. 5040 & 5042 would gradually raise the age of majority for criminal court jurisdiction from 18 to 21 by 2021. The Office of the Victim Advocate strongly opposes these proposals because an expansion of this system will only exacerbate the current deficiencies.

Specifically, the juvenile court does not have the ability to issue an order of protection on behalf of a victim, whereas in adult criminal court protective orders are available in cases involving family violence, sexual assault, harassment and stalking.

Additionally, the juvenile court is limited to the amount of restitution it can order on behalf of a victim to \$5,000. While that amount may seem significant, a victim's request should not be limited simply because the matter is in juvenile court. A crime victim's request for restitution is based on easily ascertainable damages and may include losses for treatment of injury, property

damage and lost wages resulting from injury. Financial restitution ordered by the court on behalf of a victim has been determined to be rehabilitative and not punitive (see State v. Fowlkes, 283 Conn. 735, 744 (2007)) and therefore, should be based on the victim's loss rather than an arbitrary amount set by juvenile court.

Finally, victims of crime or surviving family members of a homicide victim receive assistance from victim services advocates in adult court to navigate the criminal justice process. The victim services advocates are invaluable as they are a direct connection to the court, prosecutor and victim services agencies. However, of the eleven remaining Superior Courts for Juvenile Matters, there is **one** victim services advocate, who is assigned to the Hartford Juvenile Court.

I have attached a chart that outlines the rights granted to crime victims when the offenders are adults versus when offenders are juveniles for your information. I strongly urge this committee to consider these rights and take measures to ensure that crime victims' rights are not eroded if adults are redefined as juveniles for criminal matters.

Thank you for consideration of my testimony.

<b>Constitutional Rights of Crime Victims CT Constitution Article XXIX (1996)</b>	<b>Statutory Rights of Crime Victims in Juvenile Delinquency Proceedings</b>
In all criminal prosecutions, a victim, as the general assembly may define by law, shall have the following rights:	
Be treated with fairness and respect throughout the criminal justice process	
Timely disposition of the case following the arrest of the accused, provided no right of the accused is abridged	
Be reasonably protected from the accused throughout the criminal justice process	
Notification of court proceedings	
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	<b>C.G.S. §46b-122.</b> A Victim or representative can only be excluded from delinquency hearings if ordered by the court for good cause shown, which shall be clearly and specifically stated on the record.
Communicate with the prosecution	
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	<b>C.G.S. §46b-138b.</b> Any victim of the alleged delinquent conduct, the parents or guardian of such victim, a victim advocate, or such victim's counsel may make a statement to the court concerning the disposition of the case.
Make a statement to the court at sentencing	
Restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law	<p><b>C.G.S. §46b-140(d).</b> The Court may order the convicted delinquent or parents/guardian of the delinquent to make restitution to the victim of the offense if the child has engaged in conduct which results in property damage or personal injury. The liability of parents/guardians are limited to an amount not exceeding the amount such parents/guardians would be liable for in an action under section 52-572.</p> <p><b>C.G.S. §52-572.</b> The parents/guardian, other than a temporary appointed guardian, of any unemancipated minor, which minor willfully or maliciously cause damage to any property or injury to any person shall be jointly and severally liable with the minor for the damage or injury to an amount not exceeding five thousand dollars, if the minor would have been liable for the damage or injury if they had been adults.</p>

<b>Constitutional Rights of Crime Victims CT Constitution Article XXIX (1996)</b>	<b>Statutory Rights of Crime Victims in Juvenile Delinquency Proceedings</b>
Information about the arrest, conviction, sentence, imprisonment and release of the accused	<b>C.G.S. §46b-124a.</b> Records of cases of juvenile matters involving delinquency proceedings shall be available to a victim of the delinquent act without a court order in accordance with the provisions of section 46b-124a. Subsection (a) of section 46b-124a provides for the access to basic information about the juvenile and the delinquency proceedings without having to obtain an order from the court. This basic information includes the name of the juvenile, the name of the parents, the charges pending against the juvenile, the disposition and any court orders entered on behalf of the victim. Subsection (b) of section 46b-124a, requires a court order for the victim to obtain records or other information such as police reports, arrests warrants, search warrants and affidavits.
“Victim of crime”, “crime victim” defined: 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	<b>Same. C.G.S. §1-1k.</b>
The General Assembly shall provide by law for the enforcement of this subsection.	
Nothing in the 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.	
	<p><b>C.G.S. §54-102a.</b> If sexual assault victim requests, court <i>may</i> order the accused person, or in a delinquency proceeding the accused child, be tested for HIV or examined for venereal disease and <i>may</i> disclose results to victim.</p> <p><b>C.G.S. §54-102b.</b> If sexual assault victim requests, court will order convicted person, or convicted delinquent, be HIV tested and results disclosed to victim.</p> <p>*Note the statutes in this section applies to adults as well.</p>