



# Crime Victims' Guide to the Adult Criminal Court

Connecticut Judicial Branch  
**OFFICE OF VICTIM SERVICES**

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The State of Connecticut Judicial Branch, Office of Victim Services (OVS) wrote this “Crime Victims’ Guide to the Adult Criminal Court” to help crime victims and their family members understand the:

- adult criminal court system;
- rights of crime victims in Connecticut; and
- resources available to help them.

Common legal words that you may read or hear during the criminal justice process are in parentheses ( ) throughout this Guide. The information that comes before the ( ) explains what the word means.

This Guide refers to laws in the Connecticut General Statutes that were in effect on the date of this publication. These references are in brackets [ ] and include the statutes’ section number. The Connecticut General Statutes can be found on the Connecticut General Assembly website at [www.cga.ct.gov](http://www.cga.ct.gov) and at the Court Service Centers in the Judicial District courthouses.

If you have questions about the information in this Guide, please call the OVS Helpline at **1-800-822-8428**, Monday to Friday, from 8 a.m. to 4:30 p.m.

The State of Connecticut Judicial Branch is not responsible for any information that was not included in this Guide and does not guarantee the accuracy of the included information. This Guide does not contain legal advice, but has general information and should not be used as a substitute for legal advice.

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## INTRODUCTION

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If I had my dearest wish, it would be that you were not reading this. For, if you are, it means that you or someone close to you is a crime victim. You have experienced in a very personal way the effects of crime.

I, too, am a crime victim. Therefore, I do know at least some of how you feel at this moment. And because I do, I'd like to offer you a few thoughts that might help and also offer you some hope.

In crime, the bad things that happen to us are very personal. They are not random but instead deliberate and the result of the choices of others. Because of this, all crime victims have one thing in common: we know what it is like to be disposable at the hands of other human beings.

Such brutal knowledge changes a person. If you let the changes happen, even if you are feeling overwhelmed with grief, anger, and have difficulty accepting the changes, you will have a new identity in time.

You will stop being only a victim and become instead a victim who can also be called a survivor. With that new identity, your life will start again. It will not be an easy new life. It will not be the same life it was before the crime. You will find the strength to go on. Your courage will grow. You will re-create yourself. You will live again.

This Guide will help you understand the legal system and your feelings about what has happened. Please keep in mind that no matter your reactions, they are normal responses. Be honest with and gentle to yourself.



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You have my deepest sympathies for what you have endured. I wish you nothing but healing and wholeness as you move beyond this moment. The Office of Victim Services has a noble tradition of helping people like you and me, and will do all they can to help you take back your life. They will honor your struggle and stand by you in witness to your journey.

*– Dr. Julia Ann O’Sullivan*

*In April 2008, Dr. Julia Ann O’Sullivan was the victim of a home invasion in New Haven, CT. At the time of the crime, she was studying naturopathic medicine. She continued her studies and earned her doctorate and a master’s degree in clinical nutrition in 2012. She also holds a master’s and post-master’s studies in theology.*

*Dr. O’Sullivan is a chaplain at a local hospital and on faculty at a local university, specializing in nutrition and botanical medicine. She directs professional outreach for an eldercare organization and educates professionals and the public on the subject of trauma from a victim’s point of view.*

# Section 1

## EMOTIONAL IMPACT OF CRIME

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No one wakes in the morning planning to become a victim of crime, but every day peoples' lives are changed by a criminal incident. The impact of crime is far reaching: the victim, the victim's family and friends, the community where the crime happened, or communities that identify with the victim may all be affected by the criminal incident. And the effects can often go on for years.

There is no "right way" or "exact timeline" for how you should move through the healing process of dealing with the impact of a crime on your life. Reactions to crime are as unique as the people who experience them.

The crime may affect your physical, spiritual, and emotional well-being, as well as your ability to interact with other people. There can be a wide range of feelings including:

- helplessness;
- grief;
- vulnerability;
- fear;
- anger;
- shock; and
- disbelief.

Guilt and self-blaming are common. You may also have difficulty trusting people. It is important to address these feelings, and any others, in order to return life to "normal" as much as possible.

The emotional and physical feelings you are experiencing are real. You may even feel as if you are going "crazy." In the beginning, you

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may feel overwhelmed by the emotional, physical, and financial effects of the crime.

It is important to know that troubling emotions and feelings experienced after a crime are not a mental illness but a reaction to the sudden unexpected change(s) in your life. At some point in the future, you will begin to have more control over how you feel and how you continue to deal with the impact of the crime.

You may go back and forth between feeling overwhelmed and feeling more in control. Medical professionals, mental health professionals, or both may help you understand and provide treatment for how you are feeling. You may also find counseling from clergy to be helpful. Whatever you do to help yourself, it is important to believe in yourself, to trust your own strengths, and to reach out to experienced and compassionate people.

*“I am and will always be very appreciative of the support and services my mother and I have received from [the Office of Victim Services]. The services your office provides and the people we have interacted with both recently and over the years have been without exception professional, compassionate, and comforting. Thanks, again, for your support and services and all that you do.”*

*- Comment received from a victim who accessed services from an OVS court-based victim services advocate*

## Section 2

### CRIMINAL JUSTICE SYSTEM INTRODUCTION

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If you are like most crime victims, this may be your first experience with the criminal justice system. The criminal justice system has different departments that are responsible for the investigation, prosecution, defense, and sentencing of persons charged with a crime and the supervision of those convicted.

There are many different people who have important roles in the criminal justice system:

- the police;
- courthouse personnel including judges, state's attorneys (also known as prosecutors), public defenders, private attorneys, victim advocates, and probation officers;
- jurors;
- staff from the Department of Correction;
- staff from the Board of Pardons and Paroles; and
- you.

You also have an important role. You may be asked to give facts about the crime and its impact on you or be called as a witness. No one knows better than you how the crime has affected you and your family.

This Guide explains the criminal justice system to help you understand:

- how a case may be handled in the criminal court;
- what to expect when you go to court;
- the departments responsible for the supervision of defendants and inmates;
- the types of appeals a convicted person may request;
- your rights as a crime victim; and
- resources available to help you.

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It is important for you to know that the time it takes for a criminal case to go through the court process or how a case is decided is not the same for every case. It is also important to know that you may hear things or see things in court that may upset you. Please know that you are not alone. The Office of Victim Services (OVS) has victim services advocates in many of the courts, at the Board of Pardons and Paroles, and staffing a Helpline, who will help you through the process and refer you to other agencies for help, as needed.

OVS also has a Victim Compensation Program that may help pay for certain expenses caused by a violent crime that are not covered by another financial source, such as insurance. Please call the Victim Compensation Program at **1-888-286-7347** for more information.

## CRIME VICTIM

In Connecticut, state law defines a crime victim as the person who suffers direct or threatened physical, emotional, or financial harm because of the crime and includes a person legally named by a homicide victim to make decisions on his or her behalf and the immediate family members of a:

- minor child victim (*under the age of 18*);
- homicide victim; and
- victim who is unable to act in his or her own legal interest because of an illness or disability [Section 1-1k].

## REPORTING A CRIME

If you are the victim of a crime and the crime hasn't been reported to the police, you would report the crime to the police in the town where the crime happened. Identity theft crimes are reported to police in the town where the victim lives.

## Section 2 (CONTINUED)

# CRIMINAL JUSTICE SYSTEM INTRODUCTION

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### REPORTING A CRIME (CONTINUED)

Once a crime is reported, the police will begin an investigation. The investigation may include talking to you and other people who saw, heard, or have information about the crime (witnesses). Police may also collect other facts and evidence to help them find the person who may have committed the crime (suspect) and to decide if there is enough evidence that a reasonable person would believe a crime was committed (probable cause). The police need probable cause to make an arrest, to request an arrest warrant from a judge, to search a person or property, or to take property as evidence (seize).

Unless the police arrest a person while that person is committing a crime or have “speedy” information from

other people about the suspect after the crime was committed, the police must file an arrest warrant application with the Superior Court. You may want to keep in contact with the police to find out if an arrest warrant was served.

If a person is arrested (defendant) for the crime, he or she may be released from police custody on a written promise to appear at the first court date (arraignment) or the person may be released after paying a certain amount of money to get out of jail (bail, also known as bail bond). If the defendant cannot pay the bail, the defendant may hire a licensed bail bondsperson or a surety bail bond agent, who

Sometimes arrests by a warrant don't happen quickly or happen at all. This is because the prosecutor or the judge may find that there is not enough evidence to make an arrest and may require the police to get more evidence.

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may loan the defendant money to cover the amount of bail needed. The defendant may also be held in jail until the arraignment.

It's also important for you to know that sometimes police can't give out information about a criminal investigation, including the police report, because it may cause problems with their investigation and the criminal case.

Ask the police for the police case number, the defendant's name and birth date, and the date and court location of the arraignment.

## WITNESS PROTECTION PROGRAM

The Chief State's Attorney's Office has a witness protection program, named after the late Leroy Brown, Jr., and Karen Clarke. This program protects witnesses testifying in serious felony cases when there is evidence that the witness may be in danger of being threatened (intimidate) or someone taking revenge (retaliate) against the witness for testifying.

The witness protection program services may include:

- moving to temporary or semi-permanent housing within or outside of Connecticut;
- basic living expenses; and
- police protection.

If you are testifying in a serious felony case and the defendant is intimidating you or you are fearful of intimidation or retaliation, it is important that you talk to the prosecutor about your safety. For more information about the witness protection program, please call the Chief State's Attorney's Office at **860-258-5800**.

## Section 3

### FINANCIAL HELP

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You may have crime-related expenses or property loss or damage because of the crime. This section has information on court-ordered restitution, victim compensation, and the civil justice system that may help you recover your crime-related financial losses.

#### RESTITUTION

It is important that you tell the prosecutor or the victim services advocate as soon as possible about any financial expenses or property loss or

damage that you have because of the crime. Financial expenses or losses may include medical, dental, or counseling expenses, lost wages, funeral expenses, and the costs to repair or replace property.

You should keep a copy of all bills, receipts, credit card payments, estimates, or any other document that shows how much you paid, how much you owe, or the value of your property that was damaged or lost.

You may also be asked to fill out forms for restitution from the prosecutor, the Court Support Services Division Adult Probation, or both. It is important that you complete and return any forms as soon as possible and include a copy of your supporting documents.

You have a right by law to ask the judge to order the defendant to pay for your financial losses caused by the crime (restitution) [Section 53a-28(c)].



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## How is Restitution Decided?

When deciding on a restitution order, the judge will consider

- if the defendant was convicted of a crime that caused injury to you or damage to or loss of your property;
- the amount of money you are requesting;
- the documentation provided showing your losses and expenses;
- if the defendant will be in prison; and
- the defendant's ability to pay.

The judge cannot consider pain and suffering when determining the amount of restitution to be paid.

## How Will Restitution be Paid?

If the judge orders the defendant to pay you restitution, you should receive information in the mail on how the restitution will be paid from Adult Probation, if the defendant was sentenced to probation, or from the Clerk's Office.

If you are not sure if restitution was ordered by the court, please call the OVS Helpline at **1-800-822-8428**.

Ask the prosecutor to request that an Order of Restitution form (JD-CR-130) be filled out. If the defendant did not pay all of the restitution, you may use this form, information from Adult Probation, if the defendant was sentenced to probation, or both to ask the civil court to enforce the restitution order [Section 53a-28a].

## VICTIM COMPENSATION

You don't have to wait for court-ordered restitution to receive help with crime-related expenses. OVS has a Victim Compensation Program that may help pay your medical, dental, counseling, and prescription expenses, lost wages, funeral expenses, and crime-scene cleanup costs that were not paid by another financial source.

## Section 3 (CONTINUED)

### FINANCIAL HELP

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#### VICTIM COMPENSATION (CONTINUED)

##### Who Can Receive Victim Compensation?

- a victim who suffered a physical injury;
- a victim who suffered emotional injury from a threat of either physical injury or death and received treatment. Crimes include, for example, robbery, kidnapping, child pornography, unlawful sharing of an intimate image, voyeurism (being watched, photographed, or recorded without your knowledge and permission), stalking, and human trafficking;
- a child who witnesses domestic violence;
- a dependent and the legal designated decision maker of a homicide victim;
- a relative\* of a sexual assault, domestic violence, child abuse, or homicide victim;
- a person who paid some or all of the funeral expenses;
- a person who provided care to a personal injury victim;
- a person who paid some or all of the crime scene clean-up expenses; or
- a person who has a disability and owns or keeps a service animal that was injured or killed during a crime.

*\*A relative is "a person's spouse, parent, grandparent, stepparent, aunt, uncle, niece, nephew, child, including a natural born child, stepchild and adopted child, grandchild, brother, sister, half-brother or half-sister, or a parent of a person's spouse" [Section 54-201(4)].*

##### What are the Eligibility Requirements?

- you were injured during a crime or injured while helping police during a crime;
- the crime happened in Connecticut; or
  - you live in Connecticut and the crime happened in a country that does not have a victim compensation program that you are eligible for and you were a victim of international terrorism or a victim of a crime that would be eligible for victim compensation in Connecticut;

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## **Eligibility Requirements** (CONTINUED)

- the crime was reported to police within 5 days or within 5 days of when a report could reasonably be made; or
  - you are a victim of sexual assault, child abuse, or human trafficking and told certain medical providers, mental health providers, school personnel, or advocates about the crime; you went to a health care facility to have a sexual assault exam and evidence collection done; or a judge gave you a restraining order or a civil protection order; or
  - you are a victim of domestic violence and told a certified domestic violence or a certified sexual assault counselor about the crime or a judge gave you a restraining order or a civil protection order;
- you did not cause the crime or do anything illegal;
- you are filing the application within 2 years of the date of personal or emotional injury or death (a waiver form is available);
- you are cooperating with the police investigation; and
- you are cooperating with the Victim Compensation Program.

## **What is Covered?**

Expenses and losses related to the crime that are not covered by insurance or other financial sources may be considered.

### **PHYSICAL INJURY (UP TO \$15,000)**

- medical, dental, counseling, and prescription expenses;
- counseling for relatives of sexual assault, domestic violence, and child abuse victims;
- cosmetic and plastic surgery;
- medical-related special needs, such as medical equipment (wheelchair) and changes to a home (ramp) or vehicle;
- lost wages because of crime-related injuries or care to a victim;
- lost wages and travel expenses for you and your relatives to attend court, juvenile, and Board of Pardons and Paroles proceedings;
- crime scene clean-up and security systems (up to \$1,000) to any person who paid some or all of the expenses.

## Section 3 (CONTINUED)

### FINANCIAL HELP

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#### VICTIM COMPENSATION (CONTINUED)

##### EMOTIONAL INJURY (UP TO \$5,000)

- medical, dental, counseling, and prescription expenses; and
- crime-scene cleanup and security systems (up to \$1,000).

##### SURVIVOR BENEFITS (UP TO \$25,000)

- funeral (up to \$6,000) to any person who paid some or all of the expenses;
- loss of support for dependents and legal designated decision makers;
- lost wages and travel expenses for relatives and dependents to attend court, juvenile, and Board of Pardons and Paroles proceedings;
- counseling for relatives and legal designated decision makers;
- crime scene clean-up and security systems (up to \$1,000) to any person who paid some or all of the expenses.

##### What is Not Covered?

- property loss or damage;
- pain and suffering;
- household living expenses;
- mileage to doctor appointments;
- attorney fees (*if an attorney files an application for you, the Victim Compensation Program allows attorney fees up to 15% of the compensation ordered*).

##### How Can I Get an Application for Victim Compensation?

To receive an application or for more information, call the Victim Compensation Program at **1-888-286-7347**, email at [OVSCompensation@jud.ct.gov](mailto:OVSCompensation@jud.ct.gov) or go to the OVS website at [www.jud.ct.gov/crimevictim](http://www.jud.ct.gov/crimevictim).

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## CIVIL JUSTICE SYSTEM

In addition to restitution and victim compensation, the civil justice system may be another option for you to recover from your crime-related financial losses, such as lost wages, medical costs, counseling costs, property loss or damage. You may also ask to be compensated for your physical and emotional stress (pain and suffering).

The person accused of the crime does not have to be convicted of the crime or even charged with a crime for you to file a small claim or civil lawsuit against that person. It is important for you to know that if you are ordered to be paid money (damages) in a civil case, the amount ordered may be reduced if you receive money through restitution or victim compensation for the same losses or expenses.

### **Small Claims**

If your losses are not more than \$5,000, you may decide to file a small claims case against the person(s) responsible. Small claims cases may include compensation for broken or damaged property, motor vehicle incidents, and bills for medical treatment. These cases are usually heard in a Geographical Area court. You do not need an attorney to represent you, but you may hire an attorney if you want.

### **Civil Lawsuit**

If your losses are more than \$5,000, you may decide to file a civil lawsuit against the person(s) responsible. Civil lawsuits are usually held in a Judicial District court. You have a right to represent yourself in all court cases, but before deciding to represent yourself, you may want to consult an attorney. Many attorneys offer a free or minimal fee initial consultation. The Judicial Branch website has a Self-Help section that includes information on small claims, civil lawsuits, and attorneys at [www.jud.ct.gov](http://www.jud.ct.gov).

## Section 4

### GOING TO COURT

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This may be the first time you are going to court and you may feel nervous and worried about it. It's normal to feel this way. This section has information about going to court to help you understand what to expect and to help you feel more at ease. It may also be helpful to bring a family member or friend with you when you go to court.

#### HOW TO DRESS FOR COURT

Everyone who comes to court should wear clothing that is clean and fits properly. The marshal may ask someone who is not wearing appropriate clothes to leave the courtroom.

You should not wear:

- baseball caps;
- hats, unless you wear it for religious reasons;
- clothing that you can see through, is ripped, or has bad language or pictures;
- jeans with holes in them, pajamas, or sweatpants;
- t-shirts, tank tops, halter tops, or beachwear; and
- slippers or flip-flops.

#### COURT HOURS

Courts are open Monday through Friday from 9 a.m. to 5 p.m., and the courthouse doors open at 8:30 a.m. The courts are not open on the weekends or on legal holidays. There may also be a long line to get into the courthouse when the doors open in the morning and after lunch.

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## PARKING

Most courts do not have parking, so you may have to pay to park in a local garage or pay for metered parking on the street. The Judicial Branch website has parking, directions, and contact information for the courts at [www.jud.ct.gov](http://www.jud.ct.gov).

## SECURITY

All courts have judicial marshals who provide security at the courthouses. You and any items that you brought with you will have to go through a metal detector and may be searched. You may also be asked to take off your coat or shoes, if there is metal on them.

Any item that could be used as a weapon, such as a pocketknife or scissors, is not allowed in the courthouses.

## DOCKETS

Every court has a list of cases that are scheduled to be heard on that date (docket) and posted at public places in the courthouse. The docket includes the case number (docket number), the defendant's name, and the courtroom where the hearing will be held.

If you can't find the docket, please go to the Clerk's Office, the Court Service Center, or the Public Information Desk for the courtroom number.

The Judicial Branch website at [www.jud.ct.gov](http://www.jud.ct.gov) has a Case Look-up section that includes the courts' daily dockets. These online daily dockets list the hearing date and time, the defendant's name, and the type of hearing, such as *Arraignment*. You can search the daily dockets by the court or by the defendant's name.

## Section 4 (CONTINUED)

# GOING TO COURT

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### DOCKETS (CONTINUED)

#### Docket Number

Every court case is given a docket number by the Clerk's Office. The docket number is used to identify the case in court and doesn't change unless the case is moved (transferred) to another court.

The docket number has 5 parts:

- the court location code (a 3 or 4 letter prefix for the court where the case will be heard);
- the type of case:
  - CI = criminal infraction;
  - CR = criminal case;
  - CV = civil case;
  - FA = family case;
  - MI = motor vehicle infraction;
  - MV= motor vehicle case; and
  - SC = small claims;
- the last 2 numbers of the case year;
- a unique 7 digit number; and
- a suffix that gives more information about the case:
  - S = original case;
  - T and 0 - 9 = the number of times a case was transferred to another court with T as the first case transfer; and
  - A = separated into 2 cases (severed case).

You can use the docket number to search on the Judicial Branch Case Look-up at [www.jud.ct.gov](http://www.jud.ct.gov) for information on the criminal charges, case status, and the next court date.



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You should write the docket number and the defendant's name in the back of this Guide on page 87. You should also include the docket number on any documents that you give to the court so your information is put in the correct court file.

## COURT HEARINGS

Court hearings usually begin at 10 a.m. All adult criminal court hearings are open to the public, unless the judge decides that it is in the best interest of a criminal case to have a closed (in camera) hearing, but this does not happen often. You have a right to go to the court hearings, but you do not have to go unless you are a witness in a trial and scheduled to testify.

It is important to know that if you do decide to go, the case may not be called in order, and you may have a long wait. You should plan on being at the courthouse all day.

You do not need an attorney for the criminal case, but if you are filing a civil lawsuit, you may want to hire an attorney. If you hire an attorney, the attorney must send a letter to the prosecutor giving the prosecutor permission to speak with you about the criminal case.

The defendant must go to all court hearings, unless excused by the judge. If the defendant does not go to a court hearing and has not been excused, an arrest warrant may be issued, any bail ordered may be paid to the court (forfeited), and the defendant could be kept in prison until the end of the criminal case.

## Section 4 (CONTINUED)

### GOING TO COURT

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#### COURT HEARINGS (CONTINUED)

The defendant's family members may also go to the court hearings. If you are concerned about your safety, tell a judicial marshal.

During court hearings, everyone must:

- stand when the judge enters and leaves the courtroom;
- not talk, unless the judge or prosecutor talks directly to you;
- turn off cell phones (*If your cell phone rings or is used during the hearing, a judicial marshal may take your cell phone.*);
- not eat or drink, unless you have a medical reason and need to eat or drink; and
- not chew gum or read.

Anyone, including victims and family members, who interrupts a court hearing will be asked to leave the courtroom and may also be arrested or fined for being disrespectful to or for disobeying the court (contempt of court).

#### OVS VICTIM SERVICES ADVOCATES

OVS has victim services advocates (VSAs) at most of the courthouses throughout the state, at the Board of Pardons and Paroles, and at the OVS Central Office to help:

- personal injury victims and their family members;
- family members of homicide victims;
- victims of sexual abuse, sexual assault, or stalking, who want to apply for a civil protection order; and
- victims and other persons who call the OVS Helpline for information on OVS programs and services, the criminal justice system, and referrals.

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VSAAs may help by:

- informing you about your constitutional rights;
- serving as a contact between you, the court, and Board of Pardons and Paroles staff;
- explaining the criminal justice system;
- giving you updates on the criminal case;
- going to court and Board of Pardons and Paroles hearings with you and advocating for your rights;
- referring you to social service agencies;
- informing you about the victim notification programs and helping you register for notification; and
- explaining:
  - how to write a victim impact statement and may help you with reading the statement in court;
  - restitution and helping with requests for restitution;
  - the OVS Victim Compensation Program and helping you fill out an application;
  - how to get your property returned that was held as evidence;
  - orders of protection and helping you get orders of protection; and
  - safety planning.

The Connecticut Coalition Against Domestic Violence, the Connecticut Alliance to End Sexual Violence, the Connecticut Chapter of Mothers Against Drunk Driving, and Survivors of Homicide also have victim advocates available to help you. See the Resources section on page 80 for contact information.

## Section 4 (CONTINUED)

### GOING TO COURT

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#### MEDIA

TV, newspaper, and radio reporters are often in the courtrooms. There are rules the media must follow when taking photographs or videotaping. The rules for the media can be found on the Judicial Branch website at [www.jud.ct.gov](http://www.jud.ct.gov). The media may try to interview victims at the courthouse, at their home, or at their place of employment. If the media tries to talk with you, it is your choice if you or someone for you talks to the media. Before speaking with the media, it is recommended that you discuss with the prosecutor how that could affect the criminal case.

Any person may ask the court not to allow media coverage inside the courtroom if they believe that coverage would interfere with the rights of the defendant, put the victim/witness in danger, or for privacy concerns. If you have concerns about media coverage in the courtroom, please talk to the prosecutor.

#### AMERICANS WITH DISABILITIES

The Judicial Branch provides reasonable accommodations for persons with disabilities in accordance with the Americans with Disabilities Act (ADA). You may call the Clerk's Office at the court where the case is being heard if you need to request an accommodation or go to [www.jud.ct.gov](http://www.jud.ct.gov) for more information about ADA accommodations and for a list of ADA contact people.

## Section 5

### ARRAIGNMENT

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The arraignment is the first court date for a person who was arrested (defendant) or given a written order to go to court (summons). All arraignments are held in the Geographical Area (GA) court for the town where the crime took place.

If the defendant is in jail or if it is a domestic violence related crime, the arraignment will be held the next court business day. If the defendant was given a summons, the defendant must go to court on the date and time written on the summons.

You have the right to go to the arraignment. If you do decide to go, please be aware that the arraignment usually lasts a few minutes, and it may be held at any time during the day it is scheduled. If you decide not to go to the arraignment, you may call the State's Attorney's Office or the OVS Helpline (**1-800-822-8428**) for an update and the next court date.

The judge reviews all cases scheduled for arraignments to make sure that there is enough evidence to charge a defendant with a crime. Before calling the first case, the judge will read aloud the constitutional rights of defendants and the Connecticut constitutional rights of crime victims. Please see the chart on page 26 that explains what usually happens during an arraignment.

## Section 5 (CONTINUED)

# ARRAIGNMENT

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## ARRAIGNMENT

The judge reviews the amount of bail and the defendant's background information to decide if the bail should be kept the same, lowered, or increased.

The defendant may ask to be released on a promise to go to the next court date. If the judge does not release the defendant or if the defendant cannot pay bail, the defendant will go to a Department of Correction prison.

In certain criminal cases, the judge may issue a protective order or no contact order to protect you, your family members, or your pets from being threatened, harassed, or assaulted by the defendant.

See Orders of Protection, page 77.

The next court date will be scheduled usually within 30 days from the arraignment.

The judge may ask the defendant to enter an initial plea of guilty or not guilty or the judge may give the defendant time to apply for a public defender or to hire a private attorney before entering a plea.

If the defendant enters a plea at the arraignment, it will almost always be a plea of not guilty. By pleading not guilty, the defendant may talk with the prosecutor about a plea agreement.

Defendants charged with crimes that are punishable by life in prison have a right to a Probable Cause Hearing. The judge will set a hearing date, unless the defendant requests not to have a hearing.

See Probable Cause Hearing, page 28.

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## CRIMINAL CASE MOVED (TRANSFERRED)

The most major cases (for example murder) will be moved (transferred) from the Geographical Area (GA) courts to the Judicial District (JD) courts.

At the JD court, also known as Part A, another arraignment will be held. All other criminal cases and motor vehicle violations will stay in the GA courts, also known as Part B.

In some courts, both the GA and JD are in the same building.

Criminal cases may also be transferred between the GA and the JD courts or transferred to another GA or JD court in the same district or another district for other reasons, such as the defendant has another pending criminal case in that court.

If you are unsure if a criminal case was transferred, you can check with the Clerk's Office, the State's Attorney's Office, an OVS victim services advocate, or the OVS Helpline at **1-800-822-8428**.

You may also want to register with the Connecticut Statewide Automated Victim Information and Notification (CT SAVIN) program for confidential notification on changes in upcoming court cases. See Victim Notification, page 64.

## Section 6

### PROBABLE CAUSE HEARING

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Defendants charged with crimes that are punishable by life in prison have a right to a Probable Cause Hearing. Probable Cause Hearings are held in a Judicial District court within 60 days from the date of the arraignment, unless the defendant waives his or her right to the hearing. The judge may also postpone a Probable Cause Hearing after the 60 days for a good cause.

The purpose of the hearing is for the judge to review the evidence from the prosecutor and the defense attorney to decide if there is enough evidence for the case to go to trial. At this point, the judge does not decide if the defendant is guilty or not guilty of the criminal charges, but will only decide if there is enough evidence for the prosecutor to continue with the case.

#### **Probable Cause Found**

If the judge finds there is enough evidence to prosecute the defendant for some or all of the charges (probable cause found), another court date will be set (continuance) and the pretrial process begins.

#### **Probable Cause Not Found**

If the judge finds there is not enough evidence to prosecute the defendant on one or more of the criminal charges, the charges may be reduced, the case may not be prosecuted unless more evidence is found, or the case may be dropped (dismissed).

You or a family member may receive a court order to go to the courthouse on a certain date and time (subpoena) to tell the court what you saw or heard (testify).

You have a right to go to the hearing, but if you are scheduled to testify at the hearing, you will not be allowed in the courtroom until you are called to give your testimony. This is to make sure that your testimony will not be affected by other testimony you may hear.



## Section 7

### PRETRIAL PROCESS

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After the arraignment, unless the defendant pleads guilty or the criminal charges are dropped (dismissed) by the court, the pretrial process begins.

There may be several pretrial hearings, usually held every 4 to 6 weeks, for the prosecutor and the defense attorney to discuss the facts of the case, share evidence, and to attempt to reach a plea agreement. See *Plea Agreement*, page 31.

The prosecutor, the defense attorney, and the judge may also hold an informal meeting (judicial pretrial) on a scheduled court date. These informal meetings are held in the judge's office (chambers) to discuss the facts of the case and are not part of the court record. Defendants, victims, and the public do not go to these informal meetings.

You have a right to go to the pretrial hearings. If you decide not to go, you may want to keep in contact with the State's Attorney's Office or a victim advocate so that you know what is happening with the case.

Criminal cases may take a long time in the pretrial process for different reasons, including:

- further investigation is needed;
- the prosecutor and the defense attorney may meet several times to get more information or to interview more witnesses;
- victims may need more time to provide documents for their losses or injuries;

## Section 7 (CONTINUED)

### PRETRIAL PROCESS

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Criminal cases may take a long time in the pretrial process for different reasons, including (CONTINUED):

- the prosecutor, the defense attorney, or both may file written requests (motions) with the court for the judge to consider, such as a request to continue the case to a later date;
- defendants may apply to treatment programs; or
- the court may need more time to process paperwork.

You may be contacted by inspectors from the State's Attorney's Office in the Judicial District courts or investigators in the Geographical Area courts for more information. You may also be contacted by other people, such as the defense attorney or private investigators working for the defense. It is your choice if you want to speak with any person who calls you about the criminal case; however, it is recommended that you discuss with the prosecutor how that could affect the criminal case.

### PRETRIAL DIVERSIONARY PROGRAMS

During the pretrial process, the defendant may apply to certain treatment programs (diversionary programs). The law requires that victims be notified by registered or certified mail, if the defendant applies to the following diversionary programs:

- Accelerated Pretrial Rehabilitation (AR) [Section 54-56e];
- Supervised Diversionary Program for Veterans and Persons with Psychiatric Disabilities [Section 54-56l];
- Family Violence Education Diversionary Program [Section 46b-38c(h)(2)]; or
- Alcohol Education Program, if the victim suffered a serious physical injury [Section 54-56g].

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The defendant's notice of application to a diversionary program will be mailed to the victim's address listed in the court file and may be mailed by the defendant or by court staff. It is important that if your contact information is not in the police report or has changed that you tell the prosecutor so you can be notified. The notice will have information on how you can exercise your right to tell the judge what you think about the defendant's application to the diversionary program.

If the defendant completes the program successfully, the criminal charges against the defendant will be dismissed by the court, removed from the official court record, and will not show as a conviction in the defendant's criminal history.

For more information about these programs and program eligibility, please see *Special Sessions & Diversionary Programs*, which can be found on the Judicial Branch website at [www.jud.ct.gov](http://www.jud.ct.gov) or at the Court Service Centers in the Judicial District courthouses.

## PLEA AGREEMENT

A plea agreement is an agreement, after one or more pretrial hearings, between the prosecutor and the defendant or the defense attorney, if there is one. The agreement usually involves the defendant pleading guilty to some or all of the initial criminal charges or different criminal charges for an agreed upon sentence.

In Connecticut, most criminal cases end in a plea agreement during the pretrial process and do not go to trial.

## Section 7 (CONTINUED)

### PRETRIAL PROCESS

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#### PLEA HEARING

If a plea agreement is reached, there will be a plea hearing. At the hearing, the judge will hear from the prosecutor, the defense attorney, and you, if you choose to participate, before deciding whether to accept or reject the plea agreement. If the judge accepts the plea agreement, the defendant will enter a plea.

The defendant may plead:

- guilty to some or all of the initial criminal charge(s) or to different criminal charge(s);
- guilty under the Alford Doctrine, which means the defendant does not admit that he or she is guilty of the criminal charge(s) but admits that the prosecutor has enough evidence to prove the defendant is guilty of the criminal charge(s); the charges will show as a conviction in the defendant's criminal history; or

You have the right to agree or disagree with any plea agreement between the defendant and the prosecutor and to make a statement to the judge in person or in writing before the judge decides if he or she will accept the agreement [Section 54-91c].

Your statement may include:

- how you feel about the agreement;
- conditions of probation you would like included, if the defendant's sentence includes probation; and
- your request for the defendant to pay your crime-related financial losses (restitution).

- 
- “no contest,” also known as “nolo contendere,” which means the defendant accepts the punishment for the criminal charge(s) but does not admit that he or she is guilty of the criminal charge(s); the charges will show as a conviction in the defendant’s criminal history.

The defendant may be sentenced the day of the plea hearing. In many cases, the case will be continued to another day for sentencing so that Adult Probation can prepare a presentence investigation (PSI) report. See Presentence Investigation, page 39.

## NOLLE

Nolle, short for nolle prosequi, means that the prosecutor dropped the criminal case against the defendant, but kept the right to re-open the case and prosecute the defendant at any time during the next 13 months. There are several reasons why a prosecutor may nolle a case, including that there is not enough evidence to prove beyond a reasonable doubt that the defendant is guilty of the criminal charges. After 13 months from the date of the nolle, if the prosecutor does not re-open the case, the case will be removed from the official court records.

## Section 8

### CRIMINAL TRIAL

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If a plea agreement is not reached during the pretrial process, the criminal case will be put on the Trial List. It may be many months or years before the trial is scheduled. This delay may be caused by:

- the number of cases already scheduled for a trial;
- the number of other criminal cases the prosecutor and defense attorney have; and
- when an expert witness or other witnesses are available to testify.

The cases on the Trial List may not be called in order. You and witnesses will be notified when the criminal case is ready for trial. You should tell the State's Attorney's Office if you have a change of address or telephone number so they can contact you.

### COURT OR JURY TRIAL

Defendants have a constitutional right to ask for a trial except in certain cases.

Defendants entitled to a trial may choose between a trial by jury (jury trial) or a court trial (heard by a judge or a 3-judge panel). Defendants charged with a crime that has a punishment of life in prison may choose to be tried by a jury of 12 people or a 3-judge panel, if there is not a possibility of release. For all other crimes, the defendant will be tried by a judge or by a jury of 6 people.



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## TRIAL PREPARATION

If the trial will be heard by a jury, the prosecutor and defense attorney will question people from a jury pool to choose who will serve on the jury (voir dire).

The prosecutor will meet with witnesses to go over what questions might be asked in court (testimony) and may bring witnesses to the courtroom to help them become familiar with the courtroom before testifying.

You and other witnesses will be given information about when the trial will begin and how long it may last.

The prosecutor and the defense attorney must share evidence (discovery) with each other.

The prosecutor and defense attorney may file written requests with the court (motions) for the judge to consider. For example, the judge may be asked not to allow a person to testify or not to allow certain evidence in the trial.

## TRIAL

The trial begins by the prosecutor calling witnesses and presenting other evidence (exhibits). The defense will then have a chance to ask the witnesses questions (cross-examine). When the prosecutor finishes, the defense may call witnesses and present other evidence, which the prosecutor can cross-examine.

After the prosecutor and the defense attorney have finished with witnesses and evidence (rested), the prosecutor will talk about how all the evidence proves “beyond a reasonable doubt” that the defendant is guilty of committing the crime (closing argument). The defense will give a closing argument, too.

## Section 8 (CONTINUED)

### CRIMINAL TRIAL

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#### TRIAL (CONTINUED)

It is important for you to know that you may hear unkind or untrue statements said about you or someone you care about. You may also see graphic crime scene photos, autopsy photos, and photos of the physical injuries caused by the crime.

There may be testimony from the medical examiner's office, the police, and witnesses about what they heard and saw. This may be difficult for you. You may leave the courtroom when this evidence or testimony is being presented. It may also be helpful to bring a family member or friend with you to the trial.

A plea agreement may be made at any time during the trial until a verdict has been reached.

You have a right to come to the trial, but if you are scheduled to testify, you may not be allowed in the courtroom until after you give your testimony.

If there is a possibility that you may have to testify again, you may not be allowed in the courtroom until both the prosecutor and defense attorney finish presenting their side of the criminal case (rested). This is because your testimony might be affected by other testimony that you hear in the courtroom.

You can have a family member, friend, or a victim advocate in the courtroom during your testimony, as long as that person will not be testifying.



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## **Testimony**

You may receive an official order to come to court (subpoena) to testify under oath. You may also be required to give your or your family member's medical and mental health records related to the crime. If you have concerns about testifying or the use of medical and mental health records, please speak with the prosecutor.

The defendant may testify on his or her own behalf, but it is not required. The decision to testify is made by the defendant with the help of his or her attorney, if the defendant has an attorney.

## **Jury Discussion (Deliberation)**

If there is a jury, after closing arguments, the judge will give the jury instructions on the law. The jury will go into the jury room and talk about the case (deliberate). The jury may talk about the case for hours, days, or weeks, until they reach a decision (verdict).

In Connecticut, all jury members must agree on the verdict (unanimous). If the jury does not agree, it is known as a hung jury. The judge will call the case a mistrial, and the prosecutor may decide to drop the criminal charges or retry the case with a new jury.

## **Verdict**

The judge or jury's verdict on each criminal charge will be read aloud in court. The decision can be guilty, not guilty, or if the jury is unable to make a decision, a hung jury.

The judge or jury may find that the defendant is guilty or not guilty of some, all, or none of the criminal charges. The judge or jury may also find that the defendant is not guilty by reason of lack of capacity because of mental disease or defect, if it was raised by the defense attorney, but this is not common.

Section 8 (CONTINUED)  
**CRIMINAL TRIAL**

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**VERDICT**

<b>Guilty</b>	<b>Not Guilty</b>
<ul style="list-style-type: none"><li>■ If guilty of at least one of the criminal charges, the case may be continued to another date for sentencing.</li><li>■ The judge may order a presentence investigation (PSI) report.</li><li>■ The defendant may ask the judge to order post-conviction bail to stay out of prison while he or she files an appeal. See Post-Conviction Bail, page 40.</li></ul>	<ul style="list-style-type: none"><li>■ If not guilty of all of the charges, the defendant is free to leave the courthouse and does not have to return.</li><li>■ There will not be a record of the criminal charges.</li></ul>
<p style="text-align: center;"><b>Not Guilty by Reason of Lack of Capacity Because of Mental Disease or Defect</b></p>	
<ul style="list-style-type: none"><li>■ The defendant (acquittee) will be held in a state hospital for an exam to determine his or her mental condition.</li><li>■ The judge will review the hospital report and other evidence, such as testimony, to decide if the acquittee should be released:<ul style="list-style-type: none"><li>– with or without conditions to the Psychiatric Security Review Board (PSRB). See page 50; or</li><li>– to the community, if the judge finds from the evidence that the acquittee’s not a threat to himself or herself or others.</li></ul></li></ul>	

## Section 9

# SENTENCING

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### PRESENTENCE INVESTIGATION

If the defendant pleads guilty to or has been found guilty of a charge that has a punishment of more than one year of prison time, the judge may order a presentence investigation (PSI) report be completed before the defendant is sentenced [Section 54-91a].

The PSI will be done by a probation officer from Adult Probation and may include information on the defendant's:

- criminal history;
- personal and family relationships;
- education and job skills;
- employment history and financial information;
- substance abuse history;
- physical and mental health;
- description of the crime; and
- statement about the crime.

The probation officer may interview the defendant's family members, employers, treatment providers, and other persons to verify the information or for more information.

Victim information will also be included in the PSI, if you choose to provide this information. You may be contacted by the probation officer for information on your:

- safety concerns;
- physical and emotional injuries;
- medical expenses and lost wages;
- request for money for crime-related expenses (restitution), if it has not already been paid; and
- opinion on the sentencing, including probation conditions.

## Section 9 (CONTINUED)

### SENTENCING

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#### PRESENTENCE INVESTIGATION (CONTINUED)

You may ask the probation officer to include in the PSI report a statement written by you on how the crime has affected you and your family. If you include a statement, it is important for you to know that the PSI is available to the defendant. You may not want to include in your statement confidential information or information you do not want the defendant to know. See Victim Impact Statement, page 61.

The PSI will be given to the court, the prosecutor, and the defense attorney before the sentencing hearing. If the defendant's sentence includes prison time, the PSI will be given to the Department of Correction and the Board of Pardons and Paroles.

#### POST-CONVICTION BAIL

It is important for you to know that defendants convicted of certain crimes may be eligible for post-conviction bail.

Defendants convicted of murder, murder with special circumstances, felony murder, and arson murder are not eligible for post-conviction bail.

Post-conviction bail is the amount of money that the defendant or a licensed bail bondsperson on behalf of the defendant must pay for the defendant to stay out of prison or be released from prison while waiting for sentencing or while an appeal is pending. If the defendant was out on bail or bail bond before conviction, the bail may be increased or canceled (revoked). The defendant or the defense attorney must also give the court notice before the defendant is sentenced that an appeal will be filed, also known as appellate bond.

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## SENTENCING HEARING

At the sentencing hearing, the judge will tell the defendant his or her punishment. When deciding on the sentence, the judge will consider:

- the punishment guidelines in state law;
- information in the presentence investigation (PSI) report, if there is one;
- the plea agreement, if there is one;
- if there was a trial, the verdict; and
- the opinions on a sentence from the prosecutor, defense attorney, and you, if you choose to participate.

Many victims find the sentencing hearing emotionally difficult. It may be helpful if you bring a family member or friend with you to the sentencing.

You have the right to give a victim impact statement at the sentencing hearing on how the crime affected you physically, emotionally, and financially. Your statement may also have your opinion on a sentence for the defendant. See Victim Impact Statement, page 61.

The defendant and the defendant's family members may also speak at the sentencing and may ask the judge for a lesser sentence.

### **Types of Sentences**

The punishment (sentence) may include:

- a fine;
- probation;
- prison time;
- prison time and probation (split-sentence); or

## Section 9 (CONTINUED)

### SENTENCING

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#### **Types of Sentences** (CONTINUED)

- prison time with special parole. Special parole is the time that the defendant must serve in the community after the prison sentence is completed under the supervision of the Department of Correction, Division of Parole and Community Services.

If the defendant accepted a plea agreement, the plea agreement may include a specific sentence or a “right to argue.” The right to argue means that the defendant has the right to ask the court at sentencing for the least amount of prison time possible, which may be no prison time at all.

#### SENTENCING TRANSCRIPT

State law requires the prosecutor to provide a copy of the sentencing transcript to the Board of Pardons and Paroles whenever a defendant is sentenced to more than 2 years in prison and has to begin serving that time immediately (non-suspended sentence) [Section 51-286f]. State law gives you the right to ask the prosecutor for a free copy of the transcript that was provided to the Board of Pardons and Paroles [Section 51-286g].

If the prosecutor does not provide a transcript to the Board of Pardons and Paroles, you may still request a copy, but you will have to pay for the copy. You must fill out the Transcript Order-Non-Appeal form (JD-ES-262) and mail, fax, or hand-deliver it to the Court Reporter’s Office in the Judicial District court where the trial was held. This form is on the Judicial Branch website at [www.jud.ct.gov](http://www.jud.ct.gov) and at the Court Service Centers in the Judicial District courthouses.

## Section 10

### RETURN OF PROPERTY

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#### PROPERTY TAKEN AS EVIDENCE (SEIZED) BY POLICE

You have the right to have your property that was taken as evidence (seized) by police returned to you [Section 54-36a]. A hearing will be held on a date that the defendant is scheduled to be in court to decide if the property taken as evidence will be held until the end of the criminal case or returned to its owner. If there is more than one defendant, a hearing must be held for each court case.

In most criminal cases, property taken as evidence including stolen property is usually not returned to its owner until after the court case and appeals are finished.

If the crime is not being prosecuted and your property is being held as evidence, you must contact the prosecutor and ask him or her to file a written motion with the court to have your property returned to you.

You may call the Clerk's Office in the court where the case is being heard for updates on the status of having your property returned.

#### **Stolen Property or Money Taken as Evidence**

If the police took as evidence your stolen property or money that was not stolen, the police will fill out a Receipt For Seized Property and Advisement of Rights Seized Property form (JD-CR-42) that lists the property seized, the total amount of money seized, or both.

The police will give or mail a copy of this form to you. If you do not get a copy of this form, please ask the police for a copy.

## Section 10 (CONTINUED)

### RETURN OF PROPERTY

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#### **Stolen Property or Money Taken as Evidence** (CONTINUED)

You will need to fill out Section C of this form and return it to the police department to request:

- the immediate return of your stolen property; or
- a hearing to have money that was not stolen but being held as evidence returned to you.

The court may order that the property or money be returned to you within 30 days of the date you filed the form, unless the court finds that the property or money is needed as evidence for the criminal case.

If you do not file Section C of form JD-CR-42 with the police, the court may order your property be returned to you at the end of the criminal case.

If the court orders your property be returned to you, you can call the police department to find out when your property or money will be ready for pickup at the police station. If you do not pick up your property within 6 months from the date of the court order, the property may be destroyed or given to a charitable, educational, or a government organization.

#### **Property That Cannot Be Returned**

The court may not return certain property including property that:

- has biohazard materials on it, for example blood. This is because it may be a health risk to you or to other people;
- is illegal, such as drugs or weapons (contraband);
- are controlled drugs and things used to make, take, or hide drugs (drug paraphernalia);
- was used to commit the crime. You will not be paid for that property (forfeited) even if you did not commit the crime.



# Section 11

## SUPERVISION OF DEFENDANTS/INMATES

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This section provides information on the departments that supervise defendants who are sentenced to probation, prison, parole, or to the custody of the Psychiatric Security Review Board.

### PROBATION

The judge may sentence the defendant to supervision by a probation officer (probation) with or without prison time.

If the defendant is sentenced to probation, the defendant must follow the rules (conditions) set by the judge and the probation officer. The probation officer is the person responsible for making sure that the defendant (probationer) obeys and follows all the conditions of probation.

Conditions of probation may include:

- no contact with the victim;
- no travel or moving out of state without permission from the probation officer;
- paying money (restitution) to the victim;
- no possession of firearms if on probation for a felony, certain misdemeanors, domestic violence involving the use or threatened use of physical force, or if the court ordered an order of protection or any other court order that states the defendant cannot have weapons;
- going to a treatment program, such as anger management, drug counseling, alcohol counseling, or domestic violence counseling, or sex offender treatment;
- community service;
- registering as a sex offender with the Connecticut Sex Offender Registry; and
- regularly scheduled meetings with the probation officer.

## Section 11 (CONTINUED)

### SUPERVISION OF DEFENDANTS/INMATES

---

The probation officer may bring the case back to court if the probationer does not follow the conditions of probation (probation violation). If a probation violation is proven in court, the defendant may be sentenced to prison.

You may want to register with the Connecticut Statewide Automated Victim Information and Notification (CT SAVIN) program for confidential notification on probation violations. See Victim Notification, page 64.

#### **Review of Probation Term Hearing**

State law requires probation officers to review the progress of probationers who were convicted of certain criminal charges and to recommend to the judge if the probation should continue or end early.

You should be notified by the probation officer at the beginning of the defendant's probation, if the probation term will be reviewed. You should also be notified by the probation officer of the date, time, and

location of a review of probation term hearing, the probation officer's recommendation, and your right to make a statement at the hearing.

You have the right to go to the review of probation term hearing and tell the judge in person or in writing if the probation should or should not end early.[Section 53a-29 (g)].

If you can't go to the hearing, you may send your written statement to the court clerk at the courthouse where the hearing will be held.

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The judge will consider your statement, if you decide to participate, the recommendation of the probation officer, the probationer's behavior, and if the conditions of probation were followed when making a decision.

It is important that the probation officer has your contact information so you can be notified if there is a review of probation term hearing. If you do not have the probation officer's contact information, please call the Adult Probation Central Office at **860-721-2100** or the OVS Helpline at **1-800-822-8428**.

## DEPARTMENT OF CORRECTION

When a defendant is sentenced to prison, the Department of Correction (DOC) decides which prison the defendant (inmate) will go to by classifying the inmate based on security risk and treatment and program needs. Because this is an ongoing process, an inmate may be moved (transferred) to another prison at any time. York Correctional Institution in Niantic is the only DOC prison for female inmates.

The DOC Offender Information Search website at [www.ctinmateinfo.state.ct.us](http://www.ctinmateinfo.state.ct.us) has current inmate custody status information, including the prison where the inmate is currently held and the inmate's maximum release date from prison.

### **Jail Credit**

Inmates who were held in jail or prison for the crime they were accused of while the criminal court case was pending will have their prison sentence reduced by the time they already served. This is known as jail time credit.

## Section 11 (CONTINUED)

### SUPERVISION OF DEFENDANTS/INMATES

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#### Risk Reduction Earned Credit Program

The Risk Reduction Earned Credit (RREC) Program allows eligible inmates to earn up to 5 days a month off their sentence [Section 18-98e].

To be eligible, inmates must:

- be convicted of a crime eligible under the RREC Program;
- be compliant with their DOC offender accountability plan;
- participate in eligible programs and activities;
- follow DOC rules;
- have good behavior; and
- by DOC policy, have a security risk level of 1 through 4 or be on DOC community supervision.

If an inmate does not follow the eligibility requirements, the credits earned under the RREC Program may be taken away, not given, or an inmate may lose a number of days before being earned that will not be given back (forfeited).

You may contact the DOC Victim Services Unit at **1-888-869-7057** for more information about the RREC Program. The DOC Offender Information Search at [www.ct.gov/doc](http://www.ct.gov/doc) should have the current estimated release date for an inmate.

#### Crimes Not Eligible for RREC

- Murder [Section 53a-54a];
- Murder with special circumstances [Section 53a-54b];
- Felony Murder [Section 53a-54c];
- Arson Murder [Section 53a-54d];
- Manslaughter in the 1st degree [Sections 53a-55 and 53a-55a];
- Aggravated sexual assault in the 1st degree [Section 53a-70a];
- Aggravated sexual assault of a minor [Section 53a-70c];
- Home invasion-Class A felony [Section 53a-100aa];
- Persistent dangerous felony offender [Section 53a-40(a)]; and
- Persistent dangerous sexual offender [Section 53a-40(b)].

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## Community Release Programs

Some inmates may be eligible for a community release under the supervision of the DOC before the end of their discharge date.

DOC policy allows you to write a statement explaining the physical, emotional, and financial impact of the crime and what you think about the inmate's release to a community program.

The statement must be sent to the DOC Victim Services Unit and will be considered by the Community Release Unit before making a decision to release the inmate to a community program. For more information, call the DOC Victim Services Unit at **1-888-869-7057**.

**Halfway House Residential Program** places an eligible inmate at an approved halfway house or residential treatment program.

To be eligible, an inmate must be within 18 months of his or her discharge date or the Voted to Parole (VTP) date and meet other DOC requirements.

**Transitional Supervision** places an eligible inmate at an approved sponsor's home until the end of his or her sentence.

To be eligible, an inmate must have a sentence of 2 years or less, served 50% of the sentence, and meet other DOC requirements.

## DOC Community Release Programs

**Re-entry Furlough**, if approved, allows an inmate to leave 45 days before the discharge date or VTP date. The inmate is still under the supervision of a parole officer.

**Nursing Home Program** places an inmate who has a serious or chronic medical condition in a state private nursing home until their medical condition improves and the level of medical care needed can be provided at the prison. While in the nursing home, the inmate is under the supervision of a parole officer.

## Section 11 (CONTINUED)

### SUPERVISION OF DEFENDANTS/INMATES

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#### Special Parole

Special parole is part of the sentence that a judge may order a convicted defendant to serve [Section 54-125e]. The Board of Pardons and Paroles may also add conditions to the special parole sentence.

The Parole and Community Services is a division within DOC that is responsible for the supervision of inmates released to the community by the DOC or Board of Pardons and Paroles.

Special Parole is not served until the defendant completes his or her prison sentence, including if there is an early release to parole. For example, if the defendant was sentenced to 3 years in prison and 5 years of special parole, the defendant may be released to parole after serving 1 ½ years in prison and will remain on parole for the remaining 1 ½ years. The defendant will not begin serving the special parole sentence of 5 years until after the parole of 1 ½ years is completed [Section 54-125e].

#### PSYCHIATRIC SECURITY REVIEW BOARD

The Psychiatric Security Review Board (PSRB) is a state agency responsible for the supervision and treatment of defendants (known as acquittees) who were found not guilty by reason of lack of capacity because of mental disease or defect and sentenced to the custody of the PSRB.

The PSRB has 6 appointed members who are experts in the fields of law, probation/parole services, psychology, psychiatry, victim services, and a member of the public.

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The PSRB decides on the level of supervision and treatment for acquittees, who may be held in a maximum or minimum-security hospital setting until they are released by the PSRB. Acquittees may also be released with conditions (conditional release), such as a temporary release for treatment.

### **PSRB Hearing**

State law requires the PSRB to hold a hearing and review the status of an acquittee every 2-years [Section 17a-585] and when an acquittee's treatment provider applies to the Board for a change in the acquittee's custody.

PSRB hearings are open to the public and held at the Connecticut Valley Hospital, Middletown. At the hearing, the PSRB will hear testimony from treatment providers and you, if you choose to give an impact statement.

You have the right to go to any court or PSRB hearing about the acquittee and give a victim impact statement [Section 17a-601].

To receive notification of PSRB hearings, decisions, and if the acquittee escapes, you must give your contact information to the PSRB. To view upcoming PSRB hearings and PSRB contact information, please visit [www.ct.gov/psrb](http://www.ct.gov/psrb).

## Section 12

### BOARD OF PARDONS AND PAROLES

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The Board of Pardons and Paroles decides which inmates or offenders are granted parole or a pardon and any rule (conditions) that must be followed.

You may call an OVS victim services advocate at the Board of Pardons and Paroles for help during the parole and pardon process at **203-805-6595** or **203-805-6687**. You may also register for victim notification on parole and pardon hearings and releases. See Victim Notification, page 64.

#### PAROLE

Parole is when an inmate (parolee) is released from prison early by the Board of Pardons and Paroles and finishes the remaining part of his or her sentence under the supervision of a DOC parole officer. The parolee must follow conditions set by the Board of Pardons and Paroles while on parole, such as no contact with the victim.

Parole and pardon hearings may be video-taped by the Connecticut Network (CT-N), a public affairs network providing state government coverage. If the hearing is being taped, you may request that your statement not be taped (video or audio) or you may request that an OVS victim services advocate read the statement for you.

Crimes not eligible for parole [Section 54-125a]:

- Murder [53a-54a];
- Murder with special circumstance [Section 53a-54b];
- Capital felony [Section 53a-54b];
- Felony murder [Section 53a-54c];
- Arson murder [53a-54d];
- Aggravated sexual assault in the 1<sup>st</sup> degree [53a-70a] for crimes committed on or after July 1, 2004;



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## **Parole Hearing**

A parole hearing will be held by the Board of Pardons and Paroles to decide if an inmate will be released to parole. Inmates who are sentenced to prison for at least 2 years and one day are eligible for parole after serving 50% (non-violent crimes) or 85% (violent crimes committed after July 1, 1996) of their sentence. Parole hearings

are held by video-conferencing, if available, or in person at a DOC or Board of Pardons and Paroles location.

You have a right to go to the parole hearing and tell the Board of Pardons and Paroles in person or in writing what you think about the inmate being released to parole and any conditions that the inmate should have while on parole [Section 54-126a].

Before the hearing, the Board of Pardons and Paroles' members will review the inmate's case file, which includes information on the crime, the court case, treatment programs, work history, and the DOC security risk level. At the hearing, the inmate will explain why he or she should be paroled. The Board of Pardons and Paroles members may ask the inmate questions about what he or she said and about the information in the inmate's file. The Board of Pardons and Paroles will also hear from you, if you choose to participate.

Inmates who are granted parole will be given a Voted to Parole (VTP) date, which is the earliest date the inmate may be released to parole.

Inmates who are denied parole may or may not be given a new parole hearing date. If the inmate is within 18 months of their sentence discharge date, he or she may be released to a halfway house or residential program.

## Section 12 (CONTINUED)

# BOARD OF PARDONS AND PAROLES

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### CLEMENCY

In Connecticut, clemency is a decision made by the Board of Pardons and Paroles on an offender's application to have his criminal record or court sentence changed. There are 3 types of clemency:

- Absolute Pardon;
- Certificate of Employability; and
- Commutation.

### ABSOLUTE PARDON

An Absolute Pardon, also called a full pardon, completely erases an offender's adult criminal record. An offender may apply for an absolute pardon 3 years after the date the offender was sentenced for a misdemeanor or 5 years after the sentence date for a felony. If an offender is on parole or probation or has criminal charges pending in Connecticut or another state, the offender will not be eligible for an absolute pardon.

### CERTIFICATE OF EMPLOYABILITY

A Certificate of Employability, also called a provisional pardon or a certificate of rehabilitation, allows an offender to hold certain licenses, such as a commercial driver's license, and makes it illegal for an employer to deny hiring the offender based on the offender's criminal record. The Certificate of Employability does not erase the offender's criminal record.

### COMMUTATION

Commutation is a change to an inmate/offender's current sentence to a lesser sentence and does not erase the inmate/offender's criminal record. Offenders who are currently in prison or are under DOC supervision and have used all other appeal options may be eligible to apply for a commutation.

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## **Review of Eligible Pardon Applications**

The Board of Pardons and Paroles will review pardon applications to determine if an offender will be scheduled for an Expedited Review or a Pre-screen Review. The review of pardon applications is not open to the public, but you may send a statement to the Board on what you think about the pardon request.

At a Pre-screen Review, the Board will review the pardon application to decide if the offender should have a pardon hearing. Offenders convicted of non-violent offenses where there is no victim participation, may be considered for an Expedited Review. At an Expedited Review, the Board may choose to grant an Absolute Pardon without a hearing, deny the pardon application, or require the offender go to a pardon hearing.

### **Pardon Hearing**

If a pardon hearing is held, the Board of Pardons and Paroles will ask the offender to explain why he or she should be given a pardon. The Board may also ask the offender questions, including questions about his or her criminal history, work history, and any treatment programs taken. The Board will also hear from you, if you choose to participate.

You have the right to come to the hearing and tell the Board of Pardons and Paroles in person or in writing what you think about the offender being given a pardon [Section 54-130d].

If an offender is denied, the offender may reapply for a pardon one year from the date of denial, unless the Board of Pardons and Paroles orders that the offender wait longer to reapply.

# Section 13

## APPEALS

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Defendants who were found guilty or plead guilty to a crime have a right by law to request an appeal. An appeal is a request to a higher court to change the decision of a lower court.

### SENTENCE REVIEW

Under state law, some defendants who are sentenced to prison for 3 years or more may ask the Sentence Review Division of the Superior Court to change their sentence.

The Sentence Review Division is a 3-judge panel that will decide if the criminal sentence should be longer or shorter or if the sentence should not be changed [Sections 51-194, 51-195, 51-196].

Many defendants who apply to have their sentence changed are denied a change in their sentence.

The Sentence Review Division usually issues their decision within 3 months of the hearing date.

You may register with the OVS Post-conviction

Notification Program, the DOC Victim Notification Program, or the Connecticut Statewide Automated Victim Information and Notification (CT SAVIN) program to be notified when an inmate applies for a sentence review and when a decision is issued. See Victim Notification, page 64.

You have a right to attend the Sentence Review hearing and make a statement for the record on whether the sentence should be changed [Section 51-196(c)].

If you are unable to attend the hearing, an OVS victim services advocate may be available to represent you at the hearing or you may send a written statement to the Sentence Review Division.

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## SENTENCE MODIFICATION

Defendants who have been convicted and sentenced to 3 years or less may file a written request (motion) with the sentencing court or judge to lower (modify) their sentence. If the defendant was sentenced to more than 3 years, the prosecutor who prosecuted the criminal case must agree with and approve the motion before the motion can go to the sentencing court or judge [Sections 53a-39(a) and (b)].

The sentencing court or judge may deny the motion to modify the sentence or hold a hearing to decide if:

- the sentence should be lowered;
- the defendant should be released from prison; or
- the defendant should be released from prison and put on probation with or without conditions.

Many defendants who request to have their sentence modified are denied. You may register with the OVS Post-conviction Notification Program or the DOC Victim Notification Program to be notified when an inmate files a motion for modification and when the decision is issued. CT SAVIN provides notification when there has been a change in a defendant's sentence. See Victim Notification, page 64.

You have a right to attend the Sentence Modification hearing and make a statement for the record on whether the sentence should be changed [Section 53a-39(d)].

If you are unable to attend the hearing, you may send a written statement to the sentencing court or judge.

## *Section 13* (CONTINUED)

### **APPEALS**

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#### **APPELLATE COURT**

The Appellate Court reviews the decisions made in the Superior Court to determine if errors of law have been made. The Appellate Court has 9 judges with a panel of 3 judges who review decisions and does not accept new evidence or hear testimony.

If a defendant has been found guilty by a judge or jury on at least one criminal charge and disagrees with the decision (verdict), the defendant may file an appeal with the Appellate Court. The defendant must file the appeal no later than 20 days from the date of sentencing, unless the court grants more time (extension).

An appeal can only be filed for specific legal reasons, such as concerns with the evidence at trial. Some appeals may go directly to the Supreme Court, such as appeals on convictions of capital felonies.

After filing the appeal, the defendant or his or her attorney and the prosecutor will file a written argument (brief) for or against the reason(s) for the appeal. The case will be added to the list of cases ready to be reviewed (Appellate Docket).

#### **Appellate Court Hearing**

At the hearing, the prosecutor and defense attorney will try to convince the Appellate Court that the Superior Court made or did not make a mistake on the law (oral arguments). You can go to the appeal, but no one testifies, and you do not need to have an attorney represent you.

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The Appellate Court can decide to keep the verdict the same (affirm) or order a new trial based on the legal reasons argued (remanded).

- If the Appellate Court orders a new trial, the case will go back to the Superior Court where it started, and you and witnesses may have to testify again.
- If the Appellate Court affirms the Superior Court's decision, the defendant can appeal to the Supreme Court.

The Appellate Court notifies the prosecutor and the defense attorney of their decision (opinion), which may take up to 2 years. The opinion is also posted on the Judicial Branch website at [www.jud.ct.gov](http://www.jud.ct.gov).

You may want to register with the Connecticut Statewide Automated Victim Information and Notification (CT SAVIN) program for confidential notification when an appeal is filed and a decision is issued. See Victim Notification, page 64.

## SUPREME COURT

The Supreme Court is the highest court in Connecticut and reviews decisions made in the Superior Court or the Appellate Court to determine if any errors of law have been made. The Supreme Court has 7 judges called justices. Generally, a panel of 5 justices hears each case.

The process is the same as the Appellate Court, except that the Supreme Court releases its opinion within a few months.

## Section 13 (CONTINUED)

### APPEALS

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#### SUPREME COURT (CONTINUED)

Defendants who disagree with the Supreme Court's opinion may file a written request (motion) to the court to re-argue. If the Supreme Court denies the motion, a defendant may ask the court for permission to file an appeal with the United States Supreme Court, but only if the case involved an issue under federal law. The decision of the Supreme Court is final in cases about state law and cannot be appealed. The Judicial Branch website provides case information for the Supreme Court at [www.jud.ct.gov](http://www.jud.ct.gov).

#### HABEAS CORPUS

A defendant who is in prison (inmate) or a person on behalf of the inmate may file a writ of habeas corpus to the Superior Court. A writ of habeas corpus is a court order to the official or person in charge of the prison to bring the inmate to court to decide if it is legal to keep the inmate in prison.

An inmate can file a petition for writ of habeas corpus based on new information that raises doubts about his or her guilt or that the inmate is innocent and wrongly convicted.

Most claims of habeas corpus are based on ineffective assistance of counsel, which means that the inmate believes the defense attorney did not provide the same professional legal services another attorney would have provided.

The court will either deny the writ of habeas corpus or schedule a hearing for the inmate. The purpose of the hearing is not to determine if the inmate is innocent but to determine if there should be a new criminal trial. If you were called as a witness during the criminal trial, you may be called to testify during the habeas corpus hearing.

There is no time limit for an inmate to file a writ of habeas corpus or the number of writs he or she may file.



## Section 14

### VICTIM IMPACT STATEMENT

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A victim impact statement is your written or verbal statement explaining in your own words the physical, emotional, and financial effects of the crime.

No one knows better than you how this crime may have changed your life. Your victim impact statement will help the judge and other criminal justice departments understand how the crime has affected you and your family.

You have a right by law to give a victim impact statement, but you do not have to. It is your choice.

Some victims and family members of homicide victims who have given a victim impact statement said that it gave them a voice in the criminal justice system. While they may never know the exact impact of their statement, they found strength in knowing that whatever the decision, it was made by someone who was informed about how the crime affected them and their family.

### WRITING YOUR VICTIM IMPACT STATEMENT

Writing your victim impact statement may be emotionally painful and bring back memories and feelings about the crime. Because this may be stressful and emotionally difficult, it is important that you write down what you want to say, so you don't forget the information you may want to include in your statement.

#### **You may want to include in your statement:**

- your opinion on the sentence the defendant should receive, including any conditions of probation, if there is probation;
- your physical injuries and how the injuries affected your life;

## Section 14 (CONTINUED)

### VICTIM IMPACT STATEMENT

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#### **You may want to include in your statement:** (CONTINUED)

- medical expenses that were not covered by insurance or crime victim compensation;
- the value of property that was damaged or stolen and not held as evidence;
- other financial losses caused by the crime;
- a request to have the defendant pay your crime-related expenses (restitution);
- the amount of time you missed from work or school;
- how you were affected emotionally;
- how your daily routine has changed;
- how your outlook on life has changed;
- how the crime affected people who are close to you;
- how your relationships were affected;
- information about yourself or a homicide victim, such as past accomplishments and hopes for the future, and how these things have changed;
- the effect of sudden death on family members, such as loss of hopes, dreams, love, companionship, and financial security.

#### **Your statement should not include:**

- swear words (profanity);
- threats to the defendant or court staff; and
- facts about the crime.

### GIVING YOUR VICTIM IMPACT STATEMENT

Your victim impact statement may be given to the court at the sentencing hearing. This is done after the defendant pleads guilty or has been found guilty by a jury or a judge. If the judge ordered a presentence investigation (PSI) report, your statement may be included in the PSI.

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If the defendant's sentence includes prison time, your statement will be considered by the Department of Correction (DOC), and the Board of Pardons and Paroles before a decision is made about the offender or inmate's custody status, such as releasing an eligible defendant or inmate to the community or on parole.

You may also give your statement at a Psychiatric Security Review Board hearing, if the defendant was found guilty of lack of capacity because of mental disease or defect.

You may ask that your statement is included in the court file, read your statement at the hearing, or do both. If you feel it is too difficult for you to read your statement at the hearing, you may have someone read it for you, such as a family member, a friend, a victim services advocate, the prosecutor, or a member of the Board of Pardons and Paroles.

Your statement will be a formal part of the record and may be seen by the judge, prosecutor, defendant and his or her attorney, DOC staff; and Board of Pardons and Paroles staff.

Victim Impact statements included in the presentence investigation report are not available to the public or media.

Because your statement is part of the court record, anyone, including the media can request a copy of your statement. The court will remove the names and other personal identifying information of sexual assault victims and minor children before releasing your statement.

## Section 15

### VICTIM NOTIFICATION

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#### CONNECTICUT STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION (CT SAVIN)

CT SAVIN provides confidential notification in English, Polish, Portuguese, and Spanish on adult criminal court cases for an offender, changes to an offender's custody status with the Department of Correction, and when a court order of protection is issued, changed, or ends. To register for notification, please call 1-877-846-3428 or go to [www.jud.ct.gov](http://www.jud.ct.gov) and click on the CT SAVIN button.

#### **Notification of criminal court cases include:**

- Upcoming adult court hearing;
- Change in bail;
- Adult court case transferred to Juvenile Matters court;
- Defendant failed to appear at a court hearing;
- Plea hearing;
- When the court orders, changes, or ends a family or non-family violence protective order, a standing criminal protective order, a civil protection order, and a restraining order;
- Case disposition (how the case ended, such as sentenced, dismissed, nolle);
- Notice of probation violation and probation violation decision;
- Sentence reduction decision;
- Appeal filed and appeal decision;
- Case severed (separated into 2 cases); and
- Case entered in error.

#### **Notification of inmate status changes include:**

- Scheduled to be released and released from prison;
- Escaped from prison and escaped inmate returned to prison;
- Released to the community;
- Transferred to a prison in another state;
- Parole hearing; and
- Released to parole.

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## INMATE STATUS NOTIFICATION

OVS and DOC also offer free, confidential notification on changes in the status of inmates at a Department of Correction (DOC) prison.

### Who may register for notification?

- Crime victims;
- Parent(s)/ guardian(s) of crime victims;
- Family member(s) of homicide victims;
- Legal representatives of crime victims;
- Inmate's family members; or
- State's attorneys.

The DOC provides notification on inmates before and after sentencing. OVS provides notification after sentencing.

### Notifications include:

- Sentence modifications and sentence reviews;
- Halfway house releases;
- Re-entry furloughs (*released from prison under the supervision of DOC before being discharged*);
- Discharges;
- Parole hearings and releases;
- Pardon hearings;
- Transitional supervision releases; and
- Requests for changes in the Sex Offender Registry, including not having to register and limiting or removing limits on the information available to the public.

### How do I register for notification?

Call OVS at **1-800-822-8428** or the DOC at **1-888-869-7057** and ask for a Confidential Request for Notification of Status of Inmate form or go to the OVS Victim Notification Web page at [www.jud.ct.gov/crimevictim/notification](http://www.jud.ct.gov/crimevictim/notification).

## Section 15 (CONTINUED)

### VICTIM NOTIFICATION

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#### ORDERS OF PROTECTION NOTIFICATION

If you are given a criminal protective order, a civil protection order, or a restraining order, OVS will automatically mail you a letter when the criminal protective order ends and 5 weeks before the civil protection order or restraining order ends. You do not need to register for this notification. It is important that you tell the clerk's office if you have a change of address so you can receive this notification. You may also register with CT SAVIN for notification on orders of protection. (See CT SAVIN, page 64).

#### PSYCHIATRIC SECURITY REVIEW BOARD

The Psychiatric Security Review Board (PSRB) provides notification when a defendant found not guilty by reason of lack of capacity because of mental disease or defect (acquittee) is scheduled for a hearing, escapes, or is released.

#### **Who may register for notification?**

- Crime victims;
- Legal representative of crime victims; and
- Family members of homicide victims.

#### **Notifications include:**

- PSRB hearings and court hearings;
- PSRB or court decisions; and
- Escapes from the custody of the PSRB.

#### **How do I register for notification?**

Call the PSRB at **860-566-1441** to register for notification.

# Section 16

## VICTIMS' RIGHTS

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### CONSTITUTIONAL RIGHTS OF CRIME VICTIMS

*As a crime victim, you have certain rights under the Constitution of Connecticut, article first, Section 8b.*

**You have the right to:**

- Be treated with fairness and respect throughout the criminal justice process;
- Have the case completed in a timely manner following arrest of the accused, provided no rights of the accused are violated;
- Be reasonably protected from the accused throughout the criminal justice process;
- Be told of court dates;
- Attend the trial and all other court proceedings (*arraignment, pretrial, and sentencing*) unless you are testifying, in which case the court may decide that you can't attend the trial until after you are done testifying;
- Tell the prosecutor how the crime has affected you and to get information about the criminal case;
- Have the chance to agree or disagree with any plea agreement between the accused and the prosecutor and to make a statement to the court before the court decides if it will accept the agreement;
- Make a statement to the court at sentencing;
- Request restitution for expenses or property lost or damaged because of the crime; and
- Get information about the arrest, conviction, sentence, imprisonment, and release of the accused.

## Section 16 (CONTINUED)

### VICTIMS' RIGHTS

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#### CRIME VICTIM

State law defines a crime victim as the person who suffers direct or threatened physical, emotional, or financial harm because of the crime and includes a person legally named by a homicide victim to make decisions on his or her behalf and the immediate family members of a

- minor child victim (*under the age of 18*);
- homicide victim; and
- victim who is unable to act in his or her own legal interest because of an illness or disability [Section 1-1k].

#### STATUTORY RIGHTS OF CRIME VICTIMS

*As a crime victim, you have certain rights under state law.*

##### **At the scene of the crime, you have the right to:**

- Have the police get medical help for you, if needed, be given information on crime victims' rights and services, and be referred to the Office of Victim Services (OVS) for more information on crime victims' rights and services [Section 54-222a].

##### **During the court process, you have the right to:**

- Be informed by the prosecutor
  - of the arrest of the offender;
  - when a court hearing is scheduled (arraignment, pretrial, trial, and sentencing);
  - if the defendant is released on bond;
  - if the charges are dismissed or nolledd;
  - if a plea of guilty is entered.

You must provide the prosecutor with your contact information to receive notification [Section 51-286e].



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- Attend court hearings or take part in a police investigation for a criminal case in which you are the victim or an immediate family member or legal guardian of a homicide victim, a minor child victim, or a victim who is physically or mentally disabled without being fired, harassed, or punished by your employer [Section 54-85b].
  - Attend all court hearings that are a part of the court record, if you are a victim of a violent crime, the legal representative of a victim, or an immediate family member of a homicide victim. The judge may find that it is in the best legal interest of the criminal case that a representative of a homicide victim not attend a hearing, but the judge will hold a hearing before deciding if a representative cannot attend [Sections 54-85c and 54-85f].
  - Be informed when the defendant applies for the following pretrial diversionary programs and to tell the judge what you think about that:
    - accelerated pretrial rehabilitation [Section 54-56e];
    - supervised diversionary program for veterans and persons with psychiatric disabilities [Section 54-56l];
    - suspension of prosecution for treatment of alcohol or drug addiction [Section 17a-696];
    - family violence education diversionary program [Section 46b-38c(h)(2)];
    - alcohol education program, if the victim suffered a serious physical injury [Section 54-56g].
  - Ask the judge to order the defendant to pay you for your financial losses (restitution) caused by the crime [Section 53a-28(c)].
  - Apply for victim compensation for expenses or losses related to the crime, including medical, counseling, dental, and lost wages that are not covered or eligible to be covered by other financial sources, such as insurance [Section 54-204].

## Section 16 (CONTINUED)

### VICTIMS' RIGHTS

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#### **During the court process, you have the right to:** (CONTINUED)

- Receive in writing from the prosecutor the terms and conditions of a proposed plea agreement before the court accepts a plea from the defendant based on that plea agreement. If the plea agreement includes 2 or more years of a prison sentence, the prosecutor must include the maximum amount of prison time that applies to the defendant, including whether the defendant may be eligible for an early release from prison through the Risk Reduction Earned Credits program or parole. You must ask the prosecutor to provide this information to you [Section 54-91c(d)].
- Be informed if the defendant does not return to a mental health facility after release from the facility for work, therapy, or any other reason [Section 54-56d(1)].
- Tell the judge how the crime affected you by giving a victim impact statement. You may read the statement in court or give a written statement to the prosecutor or the OVS court-based victim services advocate who will give it to the judge. This statement can be made before the plea agreement is accepted and at the sentencing hearing [Section 54-91c].
- Ask the judge to issue a standing criminal protective order. If issued, the order will stay in effect until changed or ended by the court [Section 53a-40e].

#### **After the court case ends, you have the right to:**

- Ask the judge to return any personal property taken for the investigation or prosecution of the crime. Within 30 days of the request, the court may order the property be returned or order the property be held for a longer time. You have 6 months from the end of the criminal case to claim the property. After that, the property will be disposed of [Sections 54-203(b) (6) (E) and 54-36a].

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- Be informed if the criminal case has been dismissed and to file an application for the name of the defendant(s) and other information from the erased records if you have filed or will file a civil action for losses or damages because of the crime. Your request must be made to the court within 2 years of the dismissal [Section 54-142c].
  - Be informed when the defendant applies for a reduced or modified sentence and to tell the Sentence Review Panel or sentencing court or judge what you think about that [Sections 54-228, 51-196, and 53a-39].
  - Receive notification if the defendant violates a probation condition [Section 53a-32].
  - Be informed when the inmate is released from the Department of Correction (DOC). A request must be sent to OVS or DOC [Sections 18-81e, 54-228 and 54-230].
  - Tell the Board of Pardons and Paroles in person or in writing your opinion on whether the offender's sentence should be reduced (commutation); or if the inmate should be released from prison, with or without conditions; or given a pardon, with or without conditions [Section 54-130d (b)].
  - Be informed when a parole hearing will be held for the inmate and to tell the Board and Pardons and Paroles in person or in writing your opinion on whether the inmate should be released on parole or if the inmate should have any conditions with the release. A request for notification must be given to OVS [Section 54-126a].
  - Be informed by OVS of any granting of a reduced sentence, release, with or without conditions, or a pardon, with or without conditions. A request for notification must be given to OVS [Section 54-130d (d)].

## Section 16 (CONTINUED)

### VICTIMS' RIGHTS

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#### **After the court case ends, you have the right to:** (CONTINUED)

- Ask the court to require the defendant to pay the restitution ordered by the judge, if the defendant has not fully paid the restitution. The request may be made at any time during the 20 years following the restitution order or the offender's release from prison or probation [Section 53a-28a].
- File a lawsuit seeking any profits the accused might receive from any book, movie, or dramatization of the crime, if the accused is convicted of the crime [Section 54-218]. You must file the lawsuit within 5 years of the date of the crime.
- Be informed of any Psychiatric Security Review Board (PSRB) hearings or orders on the discharge, release with conditions, or incarceration of a person who was found not guilty by reason of mental disease or defect (NGRI) and to tell the PSRB what you think about that [Sections 17a-596 and 17a-601].
- Be informed when the person who was convicted or found NGRI files an application with the court requesting changes to the Sex Offender Registry requirements, including not having to register, and limiting or removing any limits on the information available to the public. A request for notification must be sent to OVS or DOC [Sections 54-228, 54-230, and 54-230a].
- Be informed if the offender escapes from the custody of the PSRB [Section 17a-601].

### ADDITIONAL RIGHTS FOR CHILD VICTIMS

#### **You have the right to:**

- Have your child, if a victim of assault, sexual assault, or abuse testify in court without prior qualification. This means that your child will not have to prove that he or she can testify truthfully [Section 54-86h].
- Ask that special considerations be taken during your child's testimony, in or out of court, if your child is a victim of assault, sexual assault, or abuse and 12 years of age or younger [Section 54-86g].

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## ADDITIONAL RIGHTS FOR FAMILY MEMBERS OF HOMICIDE VICTIMS

### **You have the right to:**

- Be informed by the prosecutor of the date, time, and place of the arraignment, and to be given the name and telephone number of a person to contact for more information or for the case status, if you are an immediate family member or the next of kin of a homicide victim [Section 51-286d].
- Have the prosecutor show a photograph no larger than 8 by 10 inches of a homicide victim to the jury during the prosecutor's opening and closing arguments. The photograph must have been taken before the crime [Section 54-85e].
- File a written complaint with the Chief State's Attorney or Criminal Justice Commission, if the prosecutor does not prosecute any person involved with the victim's death in a homicide case and you are an immediate family member of the victim [Section 51-277d].
- Request the offender's treatment records from a psychologist or a psychiatrist for the use in a civil action against the offender. The offender must have been found NGRI and your request may not be made later than 6 years after the finding of NGRI [Sections 52-146c(c)(6) and 52-146f(7)].

## ADDITIONAL RIGHTS FOR VICTIMS OF DOMESTIC VIOLENCE

### **You have the right to:**

- File an affidavit (written statement) for the police to request the court issue an arrest warrant for the offender [Section 46b-38b].
- Ask for a protective order from the criminal court or apply for a restraining order at the family court, if you believe the defendant will continue to sexually assault, injure, harass, or stalk you. Orders of protection may include protection for any animal owned or kept by you [Sections 46b-15 and 46b-38c].

## Section 16 (CONTINUED)

### VICTIMS' RIGHTS

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#### ADDITIONAL RIGHTS FOR VICTIMS OF DOMESTIC VIOLENCE

- Not be fired, harassed, or punished by your employer because you are a victim of family violence, you were issued a restraining order or a protective order, or because you attend or participate in court hearings [Section 54-85b].

The police will remain at the scene of a domestic violence crime for a reasonable time until the police decide that it is unlikely there will be more violence [Section 46b-38b].

#### ADDITIONAL RIGHTS FOR VICTIMS OF SEXUAL ASSAULT

##### **You have the right to:**

- Receive emergency contraceptives at any licensed health care facility [Section 19a-112e (b) (3)].
- Not be asked or required to take a lie detector test by a police officer, prosecutor, or investigator [Section 54-86j].
- Apply for a civil protection order at the civil court if you are a victim of sexual abuse, sexual assault, or stalking and you believe that the offender will continue to sexually assault, injure, harass, or stalk you. To be eligible, you must not be related to or living with the offender and cannot currently have or be eligible for another order of protection [Section 46b-16a].
- Request that your location information (for example home and work addresses) for a civil protection order be kept confidential [Section 46b-16a (b)].

- 
- Not have your present or prior sexual conduct brought up during a court proceeding unless the judge, after a hearing, decides that it is necessary for the court proceeding. Court documents about the hearing will be sealed (can't be seen by the public) and any evidence that will be used at the court proceeding will be unsealed. The defense cannot share the unsealed evidence with anyone who is not working on the defense's case without permission from the judge [Section 54-86f].
  - Ask the judge to have the person accused or convicted of certain sexual assault offenses to be tested for AIDS (acquired immune deficiency syndrome) or HIV (human immunodeficiency virus) and to have the results of the test given to you by a health care provider of your choosing or given by an HIV testing and counseling site funded by the Department of Public Health [Sections 54-102a (b), 54-102b, and 54-102c].

## ADDITIONAL RIGHTS FOR VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT

### **You have the right to:**

- Have your communications with a certified domestic violence counselor or a certified sexual assault counselor stay confidential and not be used in court without your permission [Section 52-146k].
- Use your available paid sick leave for medical care and counseling to get services from a victim services provider, to relocate, or to take part in any civil or criminal hearings because of the assault, if you are a service worker and your employer has 50 or more employees [Section 31-57t (3)]. A list of jobs under the title of service worker can be found in Section 31-57r (7).

## Section 16 (CONTINUED)

### VICTIMS' RIGHTS

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#### ADDITIONAL RIGHTS FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT OR VOYEURISM AND CHILD VICTIMS

##### **You have the right to:**

- Not have your address or telephone number made known in the courtroom during any hearing in the prosecution of cases involving sexual assault, voyeurism, injury or risk of injury to a child, impairing the morals of a child, or family violence unless the judge finds that they are important to the case. The defendant will have access to this information through his or her attorney [Section 54-86d]
- Have your name and address in the court records stay confidential from people not involved in the case and released only by an order of the court in the prosecution of cases involving sexual assault, voyeurism, injury or risk of injury to a child, impairing the morals of a child, or family violence. The defendant will have access to this information through his or her attorney [Section 54-86e].

Victims of family violence, risk of injury to a child, sexual assault or stalking have the right to keep their address confidential for safety concerns by applying to the Safe at Home Confidential Address Program [Section 54-240a]. This program provides a free substitute mailing address so that your home address is kept private. See the Resource section for contact information for your local domestic violence program or sexual assault program for more information.



## Section 17

### **ORDERS OF PROTECTION**

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Orders of protection may be issued by the criminal and civil courts and other agencies to protect you, your family members, and pets from harm or threats of harm by another person.

If you are given an order of protection and a copy is not provided to you, you should contact the court or agency that issued the order to get a copy. It is important that you keep a copy of the order with you at all times. You may also ask that the order includes no third party contact, which means that the person or defendant cannot use another person to contact you.

If the person or defendant violates the order, you should contact the police as soon as possible. The police may arrest the person or defendant for violating the order.

For more information about orders of protection, please call the OVS Helpline at 1-800-822-8428, Monday to Friday, from 8 a.m. to 4:30 p.m.

#### **NO CONTACT ORDER** [Sections 54-63d(c) and 54-64a(c)]

If the person accused of the crime (defendant) is released on bail, a judge may give you a no contact order as a condition of the release. This means the defendant must not have contact with you while the criminal case is pending.

No contact orders may also be issued as a condition of release by the Court Support Services Division Bail Services, the Department of Correction, the Board of Pardons and Paroles, and the Psychiatric Security Review Board. These orders will end when the supervision by the agency issuing the order ends.

## Section 17 (CONTINUED)

### ORDERS OF PROTECTION

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#### PROTECTIVE ORDER [Sections 46b-38c and 54-1k]

If you are the victim of a sexual assault, a family/domestic violence related crime, or stalking, you have the right to ask the court to issue a protective order to protect you, family members, and your pets from threats, harassment, injury, or intimidation by the defendant.

Protective orders can only be issued by the court after the accused person is arrested and will be issued at the time of arraignment. In almost all family/domestic violence cases, a protective order is issued by the court even if the victim tells the court that he or she does not want an order of protection.

Because the protective order ends when the criminal case ends (unless the judge ends it sooner), you may want to consider applying for a civil restraining order, too.

#### CIVIL RESTRAINING ORDER [Sections 46b-15 and 46b-38a]

You may file an application with the Family Division of the Civil Court for a civil restraining order to stop:

- your spouse
- your former spouse
- the parent of your child
- your parent
- your child
- a person related to you by blood or marriage
- a person who lives or lived with you
- a person you have or recently had a dating relationship with
- a caretaker who is providing you shelter in his or her home, if you are 60 years of age or older

from physically hurting you, threatening to hurt you physically, and from being stalked by that person.

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You must go to a court hearing to get a restraining order. If you, your minor children, or pets are in immediate and present physical danger, you may request a temporary (ex parte) restraining order until the hearing.

The hearing will be held within 2 weeks from the date the temporary restraining order was issued. At the hearing, you will explain to the judge why you need a restraining order. If the judge issues a restraining order, the order will be in effect for one year, unless the judge orders a different length of time.

For more information about restraining orders, please read *Restraining Orders: How to Apply for Relief from Abuse* (JDP-FM-142) found on the Judicial Branch website at [www.jud.ct.gov](http://www.jud.ct.gov) and at the Court Service Centers in the Judicial District courthouses.

### **CIVIL PROTECTION ORDER** [Section 46b-16a]

You may file an application in the Civil Court for a civil protection order if you are a victim of sexual abuse, sexual assault, or stalking, and the offender is not related to you, a household member, or a current or former partner and you have not been given or are eligible for any other court order of protection. OVS has victim services advocates at courthouses throughout the state available to help you with the civil protection order process.

### **STANDING CRIMINAL PROTECTIVE ORDER** [Section 53a-40e]

A standing criminal protective order (SCPO) is like a protective order except that the order is issued by a judge as part of the defendant's sentence at the end of the criminal case. This type of order is usually issued for a long period of time in more serious assaults or sexual assault crimes.

## Section 18

### RESOURCES

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#### OFFICE OF VICTIM SERVICES

Victim Services Helpline: 1-800-822-8428

Email: [ovs@jud.ct.gov](mailto:ovs@jud.ct.gov)

Victim Compensation: 1-888-286-7347 or 860-263-2761

Email: [ovscompensation@jud.ct.gov](mailto:ovscompensation@jud.ct.gov)

Office: 860-263-2760

[www.jud.ct.gov/crimevictim/](http://www.jud.ct.gov/crimevictim/)

The State of Connecticut Judicial Branch, Office of Victim Services (OVS) offers information, services, and financial help to victims of violent crime and their families including:

- Financial help for eligible expenses because of the crime, such as medical, counseling, dental, and lost wages.
- Court-based help that includes advocacy during court cases and information on crime victims' rights.
- Helpline for information on crime victims' rights and referrals to resources.
- Notification programs that offer information to victims and other eligible persons about an offender's status in the criminal justice system, changes in an inmate's status, including requests for changes to his or her registration with the Sex Offender Registry, and when an order of protection is issued, modified, or ends.
- Sexual assault forensic examiners to provide compassionate forensic examination and evidence collection services to victims of sexual assault that go to a participating health care facility.

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## **CHILD ABUSE**

### **DEPARTMENT OF CHILDREN AND FAMILIES**

Child Abuse and Neglect Careline

24-hour Careline: 1-800-842-2288

[www.ct.gov/dcf](http://www.ct.gov/dcf)

The Child Abuse and Neglect Careline is available 24-hours a day, 7 days a week to take calls from people with questions, concerns, and reports of child abuse and neglect.

## **OFFICE OF THE CHILD ADVOCATE**

Services: 1-800-994-0939

[www.ct.gov/oca](http://www.ct.gov/oca)

The Office of the Child Advocate advocates for children at risk and investigates complaints on the services provided to children by state or municipal agencies.

## **DOMESTIC VIOLENCE**

### **CONNECTICUT COALITION AGAINST DOMESTIC VIOLENCE**

24-hour Hotline: 1-888-774-2900

Office: 860-282-7899

[www.ctcadv.org](http://www.ctcadv.org)

Connecticut Coalition Against Domestic Violence has 15 member programs in Connecticut, which offer free, confidential services to victims of domestic violence, including a 24-hour Hotline, emergency shelter, safety planning, court-based advocacy, information, and referrals.

## Section 18 (CONTINUED)

### RESOURCES

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#### DRUNK DRIVING

##### MOTHERS AGAINST DRUNK DRIVING (Connecticut)

24-hour Helpline: 1-877-623-3435

Office: 1-800-544-3690 or 1-203-764-2566

[www.madd.org/connecticut/](http://www.madd.org/connecticut/)

Mothers Against Drunk Driving provides advocacy, information and referrals for victims of impaired and drunk drivers.

#### GENERAL INFORMATION

##### DEPARTMENT OF SOCIAL SERVICES, PROTECTIVE SERVICES FOR THE ELDERLY

Referrals: 1-888-385-4225

[www.ct.gov/dss](http://www.ct.gov/dss)

The Protective Services for the Elderly program helps people 60 years of age or older, who are being physically, mentally, emotionally, or financially abused or neglected.

##### OFFICE OF THE HEALTHCARE ADVOCATE

Services: 1-866-466-4446

[www.ct.gov/oha](http://www.ct.gov/oha)

The Office of the Health Care Advocate helps Connecticut residents with health care issues.

##### UNITED WAY OF CONNECTICUT

24-hour Helpline: 211 or 1-800-203-1234

[www.211ct.org](http://www.211ct.org)

United Way is a free service that helps callers find programs and services in their area and is available 24-hours a day, 7 days a week, every day of the year.

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## IMMIGRATION SERVICES

### U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Services: 1-800-375-5283

[www.uscis.gov](http://www.uscis.gov)

U.S. Citizenship and Immigration Services provide information on immigration services and benefits, including information on a U VISA.

#### U VISA

If you were a victim of certain crimes and you are not a United States (U.S.) citizen or you were in the U.S. illegally, you may be eligible for a U Visa. A U Visa lets you and certain family members live and work in the U.S. for 4 years.

To be eligible for a U Visa, you will need to show that you:

- are a victim of an eligible crime;
- have suffered substantial physical or mental abuse because of the crime; and
- are helping and will continue to help with the investigation and prosecution of the crime.

#### Eligible Crimes Include

- sexual assault;
- blackmail or extortion;
- domestic violence;
- false imprisonment;
- hostage situations;
- human trafficking;
- kidnapping or abduction;
- manslaughter or murder;
- prostitution;
- torture;
- witness tampering.

## Section 18 (CONTINUED)

### RESOURCES

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#### IDENTITY THEFT

##### FEDERAL TRADE COMMISSION, IDENTITY THEFT

Hotline: 1-877-438-4338

[www.identitytheft.gov](http://www.identitytheft.gov)

The Federal Trade Commission, Identity Theft offers information on how to report and recover from identity theft.

#### ONLINE INFORMATION

##### CONNECTICUT SEX OFFENDER REGISTRY

[www.communitynotification.com/cap\\_office\\_disclaimer.php?office=54567](http://www.communitynotification.com/cap_office_disclaimer.php?office=54567)

You may search for information on a published registered sex offender, including offenders living near your home, work, or school. The information provided on a sex offender includes a physical description with photo, address, criminal offense, and if they are non-compliant with the Sex Offender Registry requirements. You may also register on this website for email alerts when a published registered sex offender registers within one mile of the address you provide.

##### CONNECTICUT JUDICIAL BRANCH, ONLINE CASE LOOK-UP

[www.jud.ct.gov/jud2.htm](http://www.jud.ct.gov/jud2.htm)

The Connecticut Judicial Branch, Online Case Look-up is a tool that allows users to access information about supreme, appellate, civil, family, criminal, motor vehicle, housing, and small claims court cases.



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**ONLINE INFORMATION** (CONTINUED)  
**CONNECTICUT DEPARTMENT OF CORRECTION,  
OFFENDER INFORMATION SEARCH**

[www.ctinmateinfo.state.ct.us/](http://www.ctinmateinfo.state.ct.us/)

The Department of Correction, Offender Information Search is an on-line tool that allows users to access information on inmates including prison location, status of the criminal case, sentence, and estimated prison release date.

**UNITED STATES, DEPARTMENT OF JUSTICE,  
OFFICE FOR VICTIMS OF CRIME**

[www.ojp.usdoj.gov/ovc](http://www.ojp.usdoj.gov/ovc)

The United States, Department of Justice, Office for Victims of Crime provides online resources, information, and links to state and local victim assistance programs.

**SEXUAL ASSAULT**  
**CONNECTICUT ALLIANCE TO END SEXUAL  
VIOLENCE** (formerly CONNSACS)

24-hour Hotlines:

1-888-999-5545 (English)

1-888-568-8332 (Spanish)

Office: 860-282-9881

Email: [info@endsexualviolencect.org](mailto:info@endsexualviolencect.org)

[www.endsexualviolencect.org](http://www.endsexualviolencect.org)

The Connecticut Alliance to End Sexual Violence has 9 member programs in Connecticut, which offer free, confidential services to victims of sexual assault, including 24-hour hotlines, crisis intervention and short-term counseling, information and referrals, victim advocacy, and support groups.

## Section 18 (CONTINUED)

### RESOURCES

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#### **SURVIVORS OF HOMICIDE**

##### **SURVIVORS OF HOMICIDE**

Office: 860-257-7388

[www.survivorsofhomicide.com](http://www.survivorsofhomicide.com)

Survivors of Homicide provides support, counseling, and advocacy to family and friends of a homicide victim.

#### **VICTIMS' RIGHTS AND SERVICES**

##### **COMPLAINTS**

##### **OFFICE OF THE VICTIM ADVOCATE**

Services: 1-888-771-3126

Office: 860-550-6632

Email: [ova.info@ct.gov](mailto:ova.info@ct.gov)

[www.ct.gov/ova](http://www.ct.gov/ova)

The Office of the Victim Advocate offers services to crime victims who believe their rights have been or are being violated or who believe that services available to crime victims in Connecticut are being denied or are not being provided.

# Section 19

## CASE INFORMATION

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### POLICE INFORMATION

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Police Department

Telephone Number

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Detective/Investigator Name

Telephone Number

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Police Case Number, if known

### COURT INFORMATION

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Defendant Name

Date of Birth, if known

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Courthouse

Docket Number

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Address

City/Town and Zip

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Prosecutor Name

Telephone Number

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Investigator/Inspector Name

Telephone Number

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Victim Advocate Name

Telephone Number

# Section 19 (CONTINUED)

## **CASE INFORMATION**

### **DEFENDANT/INMATE SUPERVISION**

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Probation Officer Name

Telephone Number

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Parole Officer Name

Telephone Number

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Inmate Number

Other

### **CRIME VICTIM COMPENSATION (1-888-286-7347)**

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Claim Number

Claims Examiner Name

### **OTHER**

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### **ADA NOTICE**

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation, in accordance with the ADA, call OVS at 1-800-822-8428.



Office of Victim Services  
State of Connecticut Judicial Branch

[www.jud.ct.gov/crimevictim](http://www.jud.ct.gov/crimevictim) JDP-VS-48 New 2/20