

While a crime victim's right to be treated with fairness and respect is seemingly abstract, this state constitutional right provides crime victims with the right to have due process in the enforcement of all of the rights afforded to crime victims through the state constitution and statutes.

The right to fairness and respect is simply the right to have one's rights honored and considered within the criminal justice system.

**Pursuant to Connecticut General Statutes:*

§ 54-91c(b), the **court** shall inquire on the record whether any victim is present for the purpose of making an oral statement or has submitted a written statement. If no victim is present and no such written statement has been submitted, the court shall inquire on the record whether an attempt has been made to notify any such victim.

§ 54-218, in **civil court**, a crime victim may sue for profits the offender might receive from the reenactment of such violent crime, by way of a movie, book, magazine article, radio or television presentation, etc. regarding such crime.

...

"I am not what happened to me. I am what I choose to become."

-Unknown



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Fairness and Respect

Crime victims have a State Constitutional right to be treated with fairness and respect throughout the criminal justice process.



Pre-Arrest *

Pursuant to Connecticut General Statutes:

§ 46b-38b(b), no peace **officer** investigating an incident of family violence shall threaten, suggest or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party.

§ 51-277d, whenever a **prosecutorial official**, after the investigation of the cause and circumstances of a person's death, declines to criminally prosecute any person in connection with such death, a member of such deceased person's immediate family may file a written complaint with the Chief State's Attorney or the Criminal Justice Commission.

§ 54-86j, no member of any **municipal police department, the state police or the Division of Criminal justice** may request or require any victim of sexual assault to submit to or take a polygraph examination.

Pre-trial/Trial*

§ 54-85c, a representative of a **homicide** victim shall be entitled to be present at the trial or any proceeding concerning the prosecution of the defendant for the homicide. No representative of a homicide victim may be excluded from the proceedings under this section without a hearing.

§ 54-85e, a **photograph** not to exceed 8x10" solely of a deceased victim prior to the date of the offense for which the defendant is being tried, that is a fair and accurate representation of the victim and is not of itself inflammatory in nature, may be shown to the jury during the opening and closing arguments by the prosecutor.

§ 54-85f, any victim of a **violent crime** or the legal representative or member of the immediate family of a victim who is deceased shall be permitted to attend all court proceedings that are part of the court record.

§ 19a-112a(e), no **costs** incurred by a health care facility for the examination of a victim of sexual assault, when such examination is performed for the purpose of gathering evidence, for a medical forensic assessment interview or for any toxicology screening shall be charged directly or indirectly to such victim.

§ 54-102a & 54-102b, the court may order the venereal examination and HIV testing of any accused or convicted person involving a sexual offense, at the request of the victim of such offense.

§ 54-86d, any victim of sexual assault, voyeurism, risk of injury or a family violence crime shall not be required to disclose their address or telephone number during court proceedings.

§ 54-86e, the name and address of the victim of sexual assault, voyeurism, risk of injury or family violence shall be confidential and shall be disclosed only upon order of the court.

§ 54-86f, in any prosecution for a **sexual assault**, no evidence of the sexual conduct of the victim may be admissible unless under specific circumstances and after an in-camera hearing on a motion to offer such evidence containing an offer of proof.

Return of Seized Personal Property*

§ 54-36a outlines the process for a crime victim to seek the return of seized personal property.

- If the seized property is stolen property, within 10 days of the seizure, law enforcement shall notify the owner of the property and a request form for the return of the property.
- If court orders the return of property to the owner, the owner has six months to claim the property.

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**This summary of legal rights is subject to the full text of the statutes. Victims are entitled to rights as set forth in the statutes. If you don't understand your legal rights, you may wish to speak with an attorney or contact the Office of The Victim Advocate.*