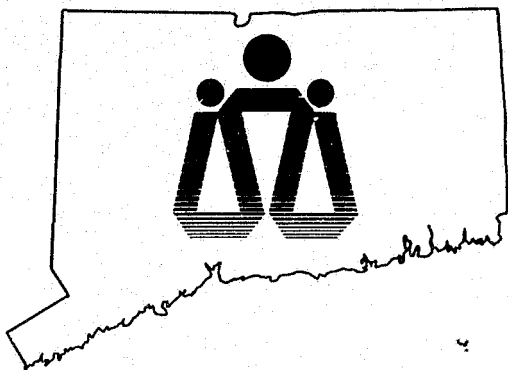


The Crime Victims Handbook

CR-Sent
2-22-89

120241

A Guide For Connecticut



THE CRIME VICTIMS HANDBOOK: A GUIDE FOR CONNECTICUT

COMPILED AND PUBLISHED BY

THE HARTFORD INSTITUTE OF CRIMINAL
AND SOCIAL JUSTICE

190 New Britain Avenue
Hartford, CT 06106
(203) 527-1866

120241

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been
granted by
Hartford Institute of Criminal
and Social Justice

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

This handbook was made possible by a grant from The Hartford Courant Foundation.
Printed Courtesy of Northeast Utilities

Paid for by NU Shareholders.

CONTENTS

INTRODUCTION	i
CONNECTICUT BILL OF RIGHTS FOR CRIME VICTIMS	2
THE CRIMINAL JUSTICE SYSTEM	5
- What Happens When I Have Become a Victim of Crime?	5
- What Happens To The Offender?	6
- Where Will My Case Be Heard?	7
- What Happens If My Case Is Going To Court?	8
- Who Will Be In The Courtroom When I Go To Court?	12
- Testifying In Court Is Scary; What Should I Do When I Testify?	14
- Will The Offender Stay In Prison Or Jail For The Entire Sentence?	15
SERVICES FOR VICTIMS AND THEIR FAMILIES	16
FAMILY VIOLENCE	20
RAPE AND SEXUAL ASSAULT	23
CHILD ABUSE	26
IMPORTANT TELEPHONE NUMBERS	29
CONNECTICUT SUPERIOR COURTS	33

INTRODUCTION

"At the current crime rates almost everyone will be a victim of crime during his or her lifetime. An estimated five-sixths of us will be victims of attempted or completed violent crime during our lives. The risk is greater for males than females, and for blacks than whites."¹

There are problems faced by victims at every stage of their experience. The financial and personal losses that victims suffer are many: expensive and unanticipated medical costs, lost wages, commitments on their time to participate in the processes of the criminal justice system, altered careers, and prolonged psychological trauma. Through the efforts of individuals and agencies focused on the needs of victims, progress is being made to build a system that is more responsive.

This booklet is designed and written to provide crime victims and their families with information to help them understand the options they have, educate them on their rights as victims of crime, and provide them with resources to aid in their recovery from the devastating effects of crime.

The Hartford Institute of Criminal and Social Justice hopes that this booklet provides victims and their families with useful information. It is not intended to respond to every possible question but to provide a guide for victims—to help them identify and obtain the assistance and support they need to recover from the trauma of their victimization.

CONNECTICUT BILL OF RIGHTS FOR CRIME VICTIMS

In Connecticut victims have been provided rights to ensure their fair and compassionate treatment by the criminal justice system. Crime victims have the right to obtain certain information *from* the criminal justice system, and the right to be treated in a humane way *by* the system.

Prosecuting a defendant often involves many steps. Victims can obtain important information at each of these steps. Most of this information must be requested in writing.

WHAT INFORMATION DO I NEED TO REQUEST?

You have the right to know what is going on with the criminal prosecution of your case.

You must provide the state's attorney with your current address if you want to know:

When the alleged offender is arrested, arraigned, or released on bail;

When the defendant enters a plea of guilty or not guilty;

When the trial is being held;

When the defendant will be sentenced, if (s)he pleads or is found guilty.

If you are the victim of a serious felony or sexual assault you can also be notified in advance of the acceptance of a plea agreement with the state. You can appear before the court prior to the defendant being sentenced and explain the effects that the crime has had on you. Your statement can be made verbally or in writing. You will need to provide the state's attorney with a self-addressed stamped postcard to receive notification prior to the court proceeding.

You must make a specific request to the court if you want to:

Learn if the criminal prosecution of your case has been dismissed.

Obtain a protective order to stop further injury if you are the victim of an assault by a spouse, former spouse, family or household member or former boy/girl friend.

Have your personal property returned to you within six months after the end of the criminal prosecution, if it was taken by the police as evidence in the investigation or prosecution of the case.

Have your address and telephone number remain confidential during any court proceeding if you are the victim of a sexual assault. (The names and addresses of rape victims will remain confidential in all *court records*.)

Receive profits the defendant might receive from any book, movie or dramatization of the crime committed against you or a member of your family.

WHAT OTHER INFORMATION MAY I REQUEST?

If the defendant in your case has been sent to prison, you have the right to be notified of his/her release from the custody of the Department of Correction. You must provide the

commissioner of correction with a current mailing address and request to be notified.

If the defendant in your case was sent to prison and is eligible for parole you can attend the parole hearing. At that hearing you can make a statement about your personal feelings about the defendant's parole or possible conditions of parole, if it is granted. This statement can be made verbally or in writing. You must provide a current mailing address to the Board of Parole to be notified of the date, time and place of the hearing. Only perpetrators of crimes occurring BEFORE July 1, 1981, are eligible for parole.

If the defendant in your case was found not guilty by reason of insanity you have the right to be notified of any hearing or order by the court or the Psychiatric Security Review Board. You can make a written or verbal statement at any such hearing and have the right to be notified if the defendant escapes. The Psychiatric Security Review Board notifies the victim at the address listed on the police report so you will need to provide the clerk of the court and the Psychiatric Security Review Board with a current mailing address if you have moved.

DO I HAVE ANY OTHER RIGHTS?

Yes. As a victim of crime, you have several more rights in the state of Connecticut.

You have the right to be notified and object to any application for "accelerated rehabilitation" made by the defendant. Accelerated rehabilitation (AR) is under the supervision of the Office of Adult Probation. If the defendant successfully completes AR the case against him/her is dismissed, there is no conviction in the case, and the criminal record is cleared.

You cannot be fired, harassed or otherwise punished by your employer for appearing as a witness in a criminal proceeding if you have received a subpoena from the court.

You have the right NOT to have your address and telephone number disclosed during any court proceeding if you are the victim of a sexual assault. The names and addresses of rape victims will remain confidential in all court records, and can be released only by an order of the court.

You have the right NOT to have your past or present sexual conduct brought into evidence during a trial if you are a sexual assault victim.

You can apply to receive monetary compensation if you were physically injured as a result of a crime. The Commission on Victim Services reimburses qualified victims or their families for medical bills, counseling services, lost wages, funeral costs, and other expenses related from the victim's injury or death.

You have the right to be notified and object to the offender's application for the Family Violence Education Program if you are the victim of a family violence crime. This program is under the supervision of the Family Division of the Superior Court. If the offender successfully completes the program, the case against him/her is dismissed and the criminal record is erased.

The representative of a homicide victim has a right to be present at any court proceeding concerning the prosecution of the alleged offender and can be excluded only under the same circumstances that would be used to remove a defendant from the courtroom.

You can bring action in civil court to recover losses resulting from a criminal act against you or a member of your family. You will need to hire a private attorney to represent you in a civil action.

You can receive information about services that are available to help you, regardless of the cause of your victimization. The Commission on Victim Services is required to provide you with this information.

MAY I MAKE A STATEMENT BEFORE THE DEFENDANT IS SENTENCED?

When a defendant is convicted of a violent crime (A, B, or C felony), you or a family member have a right to make a statement to the court during the sentencing. Victims of other crimes may be allowed to make a statement. The victim impact statement includes information about how the crime has affected your life, as well as the extent of any injuries, financial losses, and loss of earnings directly resulting from the crime.

If you want to make a statement either verbally or in writing, tell your state's attorney or victim advocate. (S)He will help you to prepare one. The judge will take your statement into consideration, along with other information, when determining the defendant's sentence.

DO I HAVE ANY RESPONSIBILITIES?

Yes. To be guaranteed your full rights, you must:

- Report the crime to the police as soon as possible.
- Cooperate with law enforcement officials investigating and prosecuting the crime.
- Tell authorities if your address changes.

IF YOU WANT TO KNOW MORE ABOUT THE RIGHTS OF VICTIMS IN CONNECTICUT, CONTACT THE COMMISSION ON VICTIM SERVICES AT 1-800-822-VICT or your local state's attorney's office.

THE CRIMINAL JUSTICE SYSTEM

Once a crime has been reported to the police you, the crime victim, and your family become involved in the criminal justice system. This system is very complicated and difficult to understand. The criminal justice system includes:

- **THE POLICE**, who are the first people to respond when a crime is reported. They are responsible for investigating the crime, apprehending the alleged offender, and helping you obtain immediate medical care if it is needed. The police will also provide you with information about your rights and where to get help as a victim of crime.
- **THE COURTS**, who determine the guilt or innocence of the alleged offender. If the offender is found guilty, the courts also determine what type of punishment (s)he will receive.
- **THE STATE'S ATTORNEY**, who has the official duty of investigating the crime and prosecuting criminal cases. When a crime occurs it is considered a crime against all of the people of the state, not just the victim. The state's attorney serves as the "people's lawyer."
- **THE OFFICE OF ADULT PROBATION**, which may investigate and prepare a study for the court when an offender is found guilty. This study is called a pre-sentence investigation. The Office of Adult Probation may also supervise an offender who is found guilty but is not sent to prison.
- **THE DEPARTMENT OF CORRECTION**, which operates the jails and prisons in Connecticut. The court determines the length of time that a guilty offender must spend incarcerated. The Department of Correction administers the punishment set by the court, and has the authority to release the offender early under various supervision programs according to its own criteria. Because of the current overcrowded conditions in correctional institutions, such early releases are not uncommon.
- **THE COMMISSION ON VICTIM SERVICES**, which provides information, services and compensation to crime victims. Many judicial district courts have victim advocates from the Commission on Victim Services available to provide direct services to victims and their families.
- **THE FAMILY VIOLENCE INTERVENTION UNIT**, which investigates and prepares reports in family violence cases, and administers the Family Violence Education Program. Family violence victim advocates provide support, advocacy and referrals to victims of family violence crimes.

WHAT HAPPENS WHEN I HAVE BECOME A VICTIM OF CRIME?

The first decision you must face is whether or not to report the crime to the police. Most crimes are not reported to the police. Many victims feel that the crime is not serious enough or that it was a "private matter." Of the crimes that do get reported, the victim or a household member is usually the one to call the police. Other people such as a neighbor, doctor, or bystander may also report the crime. Occasionally the police are the first ones to discover the crime.

Once the police have been called they will send an officer to investigate. The police officer will try to find out what happened by talking with you and any other people who might have seen the crime occur (witnesses). The officer will fill out a police report. This report will include:

- Your name and address;
- The names and addresses of any witnesses;
- The address where the crime occurred;
- The date and time of the crime;
- A description of what happened; and
- A description and any other identifying information about the person(s) who committed the crime, if possible.

If you have been hurt, the police officer will help you get medical attention. The officer will also ask you and any witnesses to the crime to make a formal statement about what happened. Although it is not always required, in most cases you will need to sign a criminal complaint (press charges) and will probably need to testify in court about the crime which took place.

WHAT HAPPENS TO THE OFFENDER?

If the police have sufficient information to identify and arrest a suspect in the case, a warrant will be issued. It may take time to get the warrant, locate the suspect and serve the arrest warrant. At that time the suspect will be taken into police custody. At police headquarters the suspect will be "booked." This means that a record of the arrest and the reasons for the arrest is made. The suspect will be fingerprinted and photographed.

At this time there must be a decision made whether or not to release the suspect. In order to determine whether a suspect should be released, information about his/her community ties, employment history, prior convictions and attendance at earlier court appearances are taken into consideration. Because this release decision is based on the probability that the suspect will appear in court, the seriousness of the offense cannot be taken into account. There are four ways that a suspect can be released from custody:

- A **WRITTEN PROMISE TO APPEAR** requires only the suspect's promise and signature for release.
- A **NON-SURETY BOND** requires that the suspect must agree to pay a specified amount if (s)he does not appear in court.
- A **SURETY BOND** requires that the suspect must pay a specified amount of money before (s)he is released (the services of a bail bondsman may be used).
- A **PRE-TRIAL SUPERVISED RELEASE PROGRAM** requires that the suspect must report regularly and receive routine contacts to assure compliance with court conditions for his/her release. These programs are usually operated by community-based private non-profit agencies.

The police are the first people to decide whether to release the suspect, and to set the conditions of that release. If the suspect is not able to meet the bail conditions set by the police,

a bail commissioner will interview the suspect. (S)He will investigate the suspect's links to the community and background and make a decision about the type of bail required for the suspect's release. If the suspect cannot meet the conditions for release set by the bail commissioner, the suspect will remain in custody until the next scheduled court session. At court the judge will hear arguments for and against the type and amount of bail that has been set. The judge will then decide the conditions under which the suspect can be released.

If the suspect does not show up for a scheduled court appearance (s)he will be charged with "Failure to Appear." This is an additional crime and a warrant for his/her arrest will be issued.

WHERE WILL MY CASE BY HEARD?

THE COURT SYSTEM

The town where the incident took place usually determines which court will hear the case. It does not matter where you or the offender live. The state is divided geographically and a Superior Court area is designated for each town/city.

The Superior Court of Connecticut hears all legal matters concerning civil, criminal and juvenile cases. The state is divided into 12 judicial districts, 21 geographical areas and 15 juvenile districts. Cases that involve major civil or criminal matters and family cases that do not involve a juvenile are usually heard in the judicial district courts. Other civil and criminal cases are heard in the geographical area courts. Cases involving children and/or youth are generally heard in juvenile court. When a child is a victim of crime and the offender is an adult, the case will probably be heard in the adult criminal court.

A civil case generally involves an issue in which one party sues another. In most civil cases the party making the accusations is attempting to recover money to compensate for losses (s)he believes were caused by the other party. Civil cases can be decided by either a judge or a jury.

In criminal cases one party is accused of breaking the law. Crimes are considered to be acts that violate the rights of the entire state, so the state itself is a party in the legal case. Crimes are divided into four basic categories:

- Felonies - Punishable by a prison sentence of one year or more;

- Misdemeanors - Punishable by a prison sentence of less than one year;

- Violations - Punishable only by a fine; and

- Infractions - Punishable by a fine which may be paid by mail.

Motor vehicle violations can fall in any one of the above categories.

In Connecticut the Superior Court is composed of a Civil Division, Criminal Division, Family Division and Housing Division. Most victims of crimes will have their cases heard in the Criminal Division of the Superior Court. The Criminal Division has four parts:

- Part A - Which includes the most serious crimes such as capital felonies, class A felonies, and any other felonies that are punishable by sentences of 20 or more years in prison;

- Part B- Which includes class B felonies and any other felonies that are punishable by sentences between 10 and 20 years in prison;
- Part C- Which includes class C felonies and any other felonies that are punishable by sentences of more than five years but less than 10 years in prison; and
- Part D- Which includes class D felonies and all other crimes, violations, motor vehicle violations, and other infractions.

PARTS "A" AND "B" CASES ARE GENERALLY HEARD IN THE JUDICIAL DISTRICT (JD) COURTS, WHILE PARTS "C" AND "D" CASES ARE HEARD IN THE GEOGRAPHICAL AREA (GA) COURTS.

If the alleged offender is under the age of 16, the case will probably be heard in the Family Division of the Superior Court. This court system is described in the booklet entitled *Step by Step Through the Juvenile Justice System* which is available from The Hartford Institute of Criminal and Social Justice.

You or your family may also file a personal lawsuit in the Civil Division of the Superior Court. In a civil lawsuit you can seek to receive money from the person(s) you believe responsible for your victimization. You must get a private attorney to represent you in civil court.

DOES EVERY CRIMINAL CASE END UP IN COURT?

Most criminal cases are settled without going to trial. The first decision about taking the case to court is made by the state's attorney. The state's attorney is responsible for prosecuting the case against the person accused of committing the crime (defendant). In a way, the state's attorney is the lawyer for the victim during the criminal prosecution, and there is no fee for his/her services. There must always be sufficient evidence on which to base criminal charges. After reviewing the case information, the state's attorney may decide not to prosecute the case. This does not mean that the state's attorney does not believe you. It probably means that there is not enough proof to convict the person accused of the crime. State's attorneys work in the court system every day, and know what is needed to successfully prosecute a case in court.

WHAT HAPPENS IF MY CASE IS GOING TO COURT?

Step 1: Arraignment

Once the state's attorney decides to take a case to court, an arraignment is scheduled. At the arraignment, the defendant's constitutional rights (also called the Miranda rights) will be read to him/her. If the defendant cannot afford to hire a lawyer, the court will appoint an attorney to represent him/her in court. The criminal charges against the defendant will be read and the court will ask the defendant whether (s)he pleads guilty or not guilty. In most cases, the defendant will plead not guilty. If (s)he pleads guilty, there will not be a trial, and the defendant will lose most of his/her constitutional rights. If (s)he pleads not guilty, the judge will ask the defendant if (s)he wishes to have a trial by a judge (bench trial) or a trial by a jury.

Step 2: Pre-Trial Conferences

In many cases the state's attorney and the defendant's attorney meet for a pre-trial conference. In these meetings, they will try to resolve the case without going to trial. There are five common ways in which the case can be resolved during a pre-trial conference:

The state's attorney may decide that the defendant did not break the law, or that the evidence is insufficient, and will dismiss the case. If the case is dismissed, the defendant will not be prosecuted on the criminal charges.

The state's attorney may "Nolle" the charges against the defendant. When a charge is "Nolled" the case is temporarily suspended. The state's attorney may need time to gather more evidence or to get people to testify in court. If the evidence or witnesses do become available, the state's attorney can start prosecuting the case again. The case can be re-opened at any time over the next 13 months. If it is not re-opened during this time period, it is automatically dismissed.

In some cases the defendant may apply to receive accelerated rehabilitation (AR). If the judge grants accelerated rehabilitation, the defendant is placed on probation for up to two years. When the defendant successfully completes this probation period, the criminal charges will be dismissed. You must be notified if the defendant in your case has applied for accelerated rehabilitation. The defendant is required to notify you in writing if (s)he applies for accelerated rehabilitation. You have the right to tell the court whether or not you think the accelerated rehabilitation should be granted.

Many cases are plea bargained. In exchange for a plea of guilty to one charge, the state's attorney agrees to drop other charges against the defendant. Sometimes the criminal charge is changed to a crime that has a less severe punishment, in exchange for a guilty plea. Plea bargaining is often used by the state's attorney when the evidence against the defendant is not very strong. Some cases involving children are plea bargained because the parents do not want the child to testify. If the defendant pleads guilty there will not be a trial. However, the punishment will be the same as if the defendant were found guilty in a trial of the offense(s) specified in the plea bargain agreement.

In some family violence cases the defendant may apply for the Family Violence Intervention Program. If accepted by the judge, the defendant will be required to attend classes about the dynamics of family violence. If the defendant successfully completes the program the case will be dismissed and the criminal record of the incident erased. You will be notified if the defendant in your case has applied for this program, and you have the right to let the court know if you think the application should be granted.

Step 3: Pre-Trial Motions and Continuances

Pre-trial motions are requests from the state's attorney or the defendant's attorney for rulings from the judge on specific legal issues. The attorneys are allowed to argue their cases for or against the motions that have been submitted to the court. Some examples of pre-trial motions are motions to keep evidence out of the trial (suppression of evidence), substitution of a judge, change of venue, or appointment of expert witnesses.

Continuances are a common source of delay in the courts, and an ongoing source of frustration for victims. A motion for continuing a case to another date may be made at almost any step of formal court proceedings. The motion for a continuance may be granted or denied by the judge, based on his/her decision about the validity of the request. Continuances can cause a delay of a year or more before the case actually comes to trial.

Step 4: The Trial

If the defendant has pleaded not guilty and the case was not resolved in the pre-trial conferences, a trial will be held. There are two types of trials: a bench trial where the case is decided by the judge, and a jury trial where the case is decided by a jury. The defendant has the right to choose which type of trial (s)he wants.

During the trial, the state's attorney first presents the evidence against the defendant. As the victim of the crime, you will probably be called on to testify. After the state's attorney has presented his/her evidence the attorney for the defendant will have the opportunity to question and refute the state's attorney's evidence, and present evidence to support the defendant's position. Both attorneys are doing their job by asking questions and presenting the best possible case they can.

Once all of the evidence has been presented and questioned by both the state's attorney and the defendant's attorney, the jury (or judge in a bench trial) must reach a decision. Sometimes it takes hours or days for a decision to be reached. The court is adjourned while the decision is being made.

When a decision is made, the court is called back into session and the verdict is read. The verdict will include the specific offense and the decision regarding the defendant's guilt or innocence. If there is more than one charge against the defendant and the cases were heard together, there will be a separate verdict for each offense.

Step 5: Sentencing

When a defendant is found or pleads guilty, Connecticut law sets the range of sentences that can be imposed for a particular crime. The judge or jury cannot exceed the maximum sentence allowed by law. For some crimes there is also a "mandatory minimum sentence." This means that the defendant who is found or pleads guilty must receive at least the sentence set by law.

If the crime was a misdemeanor, sentencing will take place immediately after the verdict is given. If the crime was a felony, the judge will order the Office of Adult Probation to prepare a pre-sentence investigation report and will set a date for a sentencing hearing.

A pre-sentence investigation (P.S.I.) takes several weeks to complete. A probation officer will interview the defendant and get information about his/her personal and family life, any past criminal record, and his/her version of the crime. Police records will be reviewed. Family members and/or employers may be contacted. The P.S.I. also contains information about you (the victim) and how you have been affected by the crime. This information includes any financial losses you may have suffered, emotional/psychological impact and any other information which the probation officer believes important for the court to know. A victim statement will usually be included in all pre-sentence investigation reports.

If you wish to make a statement to the court (verbally or in writing) before the defendant is sentenced, the judge may let you. If you are the victim of a serious felony or sexual assault

you have the right to make a statement before the court sentences the defendant or accepts a plea of guilty or nolo contendere as part of a plea bargain with the state. You must let the court know beforehand that you want to make a statement. Notify the state's attorney working on your case if you plan to make a statement to the court.

The judge will review the P.S.I. and any material submitted to the court by the defendant's attorney. If the defendant was found guilty in a trial, the judge will listen to the opinions of the state's attorney and the defendant's lawyer about the possible sentence. The judge will then decide what the sentence will be based on the verdict, the limits of the law and other information (s)he has received about the defendant. This is also when the court may listen to any statements you wish to make about the crime and how it has affected you.

If the defendant pleads guilty or nolo contendere as the result of a plea bargain with the state, the state's attorney will state the contents of the plea bargain. Both the state's attorney and the defendant must agree to the plea bargain. The judge will hear arguments in support of the agreement. The judge then decides whether or not to accept the terms of the plea bargain agreement. If the terms are accepted, the judge officially sentences the defendant accordingly. If the terms are not accepted, the defendant may withdraw his/her guilty plea and the case starts again.

The defendant can also make a plea under the "Alford Doctrine." When this happens the defendant admits that there is probably enough evidence to convict him/her, but does not admit guilt in the incident. When a defendant uses the Alford Doctrine, there will not be a trial. The sentencing will take place as if there was a verdict of guilty. The sentence will be the same as if there had been a trial with a guilty verdict. If you decide to file a civil lawsuit against the defendant to recover money for the loss you have suffered, the defendant's use of the Alford Doctrine cannot be used to prove that (s)he was responsible for your losses.

The basic sentences which can be imposed are:

- *Fine* - The defendant must pay a specified amount of money to the court, the victim or other organization.
- *Imprisonment* - The defendant must go to a jail or prison.
- *Probation* - The defendant must be supervised by a probation officer and may be subject to limitations on his/ her behavior/activities. A defendant who violates the conditions of probation can lose the privilege of being in the community, and may be sent to prison.
- *Conditional Discharge* - The defendant may be required to abide by certain conditions or be sent to jail.
- *Unconditional Discharge* - The judge suspends the sentence for the crime without any conditions on the release.

The judge can sentence the defendant to *one or more* of these, as long as the sentence is within the parameters set by law.

Step 6: Appeals

A person convicted of a crime may appeal that decision to the State Appellate Court or the State Supreme Court. The function of these courts is to review the decisions made in the

Superior Court to see if any errors of law were committed. State law determines which court should hear the appeal of a specific case. In general the Supreme Court hears the most serious cases and cases involving constitutional or statutory provisions. During an appeal the court does not hear testimony. Decisions are made based on the written record of the Superior Court briefs prepared by both the prosecuting and defense lawyers. Both lawyers are permitted time to present their arguments to the court in person.

Sometimes the offender is permitted to remain in the community while the case is being appealed. (S)He can be released on bond in much the same way as before the trial. If the appeal is successful, the offender will most likely be given a new trial.

WHO WILL BE IN THE COURTROOM WHEN I GO TO COURT?

STATE'S ATTORNEY

DEFENSE ATTORNEY

DEFENDANT

JUDGE

CLERK OF THE COURT

PROBATION OFFICER

COURT OFFICER (S)

COURT REPORTER

GENERAL PUBLIC (except in Juvenile Court)

WHAT DO THESE PEOPLE DO?

The State's Attorney's (SA) job is to present concrete, factual information to the judge and/or jury that proves "beyond a reasonable doubt" that the defendant committed the crime with which he/she is accused.

The lawyer presenting the case for the defendant is called a *Defense Attorney*. His/Her job is to show that the state (via the state's attorney) does not have enough concrete, factual information to prove the case. The defense attorney has no "burden of proof," meaning (s)he does not have to present another version of what happened or an alibi for his/her client (the defendant), although attorneys often do.

The Defendant does not have to testify on his/her own behalf. (S)He cannot be forced to testify by the state's attorney or by his/her own lawyer.

The Judge is the fact finder. (S)He can ask questions at any time. (S)He makes decisions about points of law—meaning that when one of the lawyers "objects" to a question asked by the other lawyer, the judge decides whether the witness will have to answer the question. In a bench trial (s)he decides, after all the evidence has been heard whether the defendant is guilty or not guilty and what the punishment should be if a guilty verdict is determined. State law provides the judge with guidelines. The maximum sentences are specified for every crime and some crimes have a "mandatory minimum sentence" specified.

The Clerk of Courts runs the session. (S)He calls the list of cases, reads the charges, reads the judge's or jury's decision regarding bail and sentencing, and swears in the witnesses. (S)He also calls out the date for the defendant's next appearance in court.

The Probation Officer informs the judge whether the defendant has a prior criminal record and what that record is. In many cases the probation officer will have prepared a report for the court on the defendant's background before the sentencing hearing is held (Pre-Sentence Investigation). (S)He also records all the findings, orders and sentencing of the judge.

The Court Officers are the "gate keepers" in the courtroom. They announce the beginning and ending of court. They assist witnesses, defendants and juries with where to wait, sit and stand in the courtroom. They escort defendants in custody and juries in and out of the courtroom.

The Court Reporters or stenographers sit in front of the witness stand and record all testimony during the course of a hearing. Sometimes a tape recorder is set up to record the court proceedings and a court reporter is not present. In either case you will need to speak clearly so that a court transcript can be taken.

All formal court sessions where the defendant is 16 years or older are open to the public unless the judge decides otherwise. Only the Superior Court for Juvenile Matters is closed to the public. The parents/guardian of a child who has been sexually assaulted can *request* that the child's testimony be videotaped. And the judge may order the courtroom closed to the public at other times that (s)he believes appropriate.

WHAT WILL HAPPEN WHEN I GO TO COURT FOR THE TRIAL?

The state's attorney working with your case will try to meet with you to prepare you for your court appearance. (S)He will probably have you read the statement you made to the police so that you can refresh your memory.

If you are going to be a witness in a criminal court case, you may not be allowed to sit in the courtroom before you testify. This is called *sequestering*. When the court official calls your name to testify, walk directly to the front of the courtroom. Try not to be nervous. The court clerk will ask you to state your name, spell your name and take an oath to "tell the truth."

The state's attorney will be the first attorney to ask you questions. This is called a *direct examination*. Answer the questions clearly and accurately. **DO NOT** volunteer any additional information. If you do not understand the question, ask the attorney to repeat or rephrase the question.

Stick to the facts—what you saw and heard. The court cannot consider your opinions, conclusions or what someone else told you. Try not to use phrases like "I think," "I believe," or "in my opinion." If you do not know or are unsure of the answer, just say "I don't know" or "I don't remember." Do not try to guess at the answer. If you find that you made a mistake in an answer, tell the court and ask that your answer be corrected. Always be polite, even though it may seem that the attorney is not.

The defense attorney has the right to *cross-examine* all witnesses. (S)He will ask you questions once the state's attorney has finished his/her direct examination. Try to remember that the defense attorney is trying to do his/her job. You have nothing to fear—be as honest

and accurate as you were with the state's attorney. Remember not to lose your temper or volunteer any additional information. If the state's attorney is not satisfied with the way the cross-examination went, he/she will ask you questions to clarify information after the defense attorney is finished. This is called a *redirect*.

TESTIFYING IN COURT IS SCARY; WHAT SHOULD I DO WHEN I TESTIFY?

1. **ALWAYS TELL THE TRUTH.** Testify as accurately as you can about the facts. You are under oath, and it is a crime to tell a deliberate falsehood.
2. **UNDERSTAND THE QUESTION.** You cannot give an accurate and truthful answer if you don't understand what is being asked. If you did not hear the whole question or if you don't understand the question, just say that you don't understand. The question will be repeated. It helps to look at the attorney when (s)he asks a question.
3. **ANSWER THE QUESTION.** Think about the question and your answer before you speak. If an attorney makes an objection to the question, do not speak until the judge has decided that the question is in order. If the judge says "sustained" you do not have to answer the question; "overruled" means that you need to answer. The judge will tell you what to do. Just answer the question that is asked and don't volunteer any additional information.
4. **GIVE A DEFINITE ANSWER.** If you observed a crime or event and remember what happened, don't be afraid to "swear" to it. You should avoid using phrases such as "I think," "probably" and "I believe."
5. **DO NOT GUESS AT AN ANSWER.** If you do not know the answer to a particular question, you should simply state "I don't know." If you are asked about times or distances, you can make an estimate, but be sure you let the court know that it is an estimate.
6. **SPEAK SLOWLY AND LOUDLY.** It is important that the court hear all of your testimony. Always give an audible answer. Do not just nod your head to give a yes or no answer.
7. **BE COURTEOUS.** Do not argue with the attorneys; it is their job to ask questions. Do not lose your temper. Address the judge as "your honor." Be sure to dress neatly and appropriately.
8. **REVIEW PRIOR STATEMENTS.** If you made statements to the police or testified about the case earlier, take the time to look these statements over before you testify again. You may be asked questions about what you said, so it helps to review them.

CAN A SENTENCE GIVEN BY THE COURT BE CHANGED?

Yes. The offender may ask to have the sentence corrected or reduced. A hearing would be scheduled and good cause must be shown as to why the sentence should be changed. A *sentence review* can also be requested by the offender. In a sentence review the offender has to prove that the sentence is inappropriate or disproportionate to the crime.

WILL THE OFFENDER STAY IN PRISON OR JAIL FOR THE ENTIRE SENTENCE?

Most likely not. Very few offenders serve their entire prison sentence. Prison sentences can be reduced if the offender obeys the rules in prison (good conduct), receives a meritorious performance award in prison or is granted early release by the commissioner of correction. As in most other states, Connecticut's prisons are overcrowded. Because of the serious overcrowding conditions, the commissioner of correction has been granted additional power to release certain offenders before they have finished serving their entire sentences. You can write to the commissioner of correction to request that you receive notification of the offender's release. You must provide a current address to receive this notification.

SERVICES FOR VICTIMS AND THEIR FAMILIES

"The shock of becoming a victim is often followed by feelings of fear, anger, shame, self-blame, helplessness and depression which lead to immediate stress and sometimes to long-term psychological disabilities. Burglary victims move from their homes, rape victims have a high rate of divorce, and survivors of homicide attempts sometimes live for years in a state of emotional paralysis. Other victims change their lifestyles in less dramatic ways, withdrawing from activities they enjoy or taking rigorous measures against further victimization. Symptoms such as sleeplessness, loss of concentration, and fear of being left alone, may persist long after the crime occurred."²

THERE ARE PEOPLE WHO CARE THAT YOU HAVE BEEN HURT. They have information and experience to help you and your family recover from the devastating effects of the crime. They can provide information on the legal system, financial assistance, shelter, counseling and other services you may need. There are several agencies and organizations throughout Connecticut that focus on the needs of specific types of victims. Initial services are free and include:

CHILD ABUSE - The Department of Children and Youth Services (DCYS);

FAMILY VIOLENCE - The Connecticut Coalition Against Domestic Violence (CCADV);

SEXUAL ASSAULT/RAPE - The Connecticut Sexual Assault Crisis Services (CONNSACS);

RELATIVES OF HOMICIDE VICTIMS - The Survivors of Homicide;

VICTIMS OF DRUNK DRIVERS - Mothers Against Drunk Driving (MADD);
Remove Intoxicated Drivers (RID); and Students Against Drunk Driving (SADD) .

In addition there is information to help you find resources and assistance. The Commission on Victim Services operates a toll-free Victim Information Center (1-800-822-VICT) which can identify services available in your area. This service is available weekdays between 8:30 a.m. and 4:30 p.m. INFO LINE is a statewide service that provides information on human services throughout the state. You can call the INFO LINE in your area 24 hours a day, seven days a week.

The white pages of your telephone book contain a listing of community agencies. See the *Telephone Users Guide* in the front of the telephone book for the listing called "Community Services Telephone Numbers." This listing contains the names and telephone numbers of a variety of human services in your area.

WHAT ARE SOME OF THE SERVICES AVAILABLE TO VICTIMS OF CRIME?

THE COMMISSION ON VICTIM SERVICES provides monetary compensation to crime victims who have been physically injured as the direct result of a crime. The commission also operates a court-based Victim Advocate Program and an information clearing house/telephone service. Through a contract with the Connecticut Coalition Against Domestic Violence, the commission administers a Family Violence Victim Advocate Program throughout the state.

THE DEPARTMENT OF CHILDREN AND YOUTH SERVICES (DCYS) provides direct assistance to the victims of child abuse. The DCYS operates a 24-hour hotline (1-800-842-2288) to respond to child abuse referrals. Referrals of suspected child abuse or neglect can also be made by calling the DCYS regional offices. DCYS will investigate the case, and if abuse is substantiated will offer services to the family. Services include counseling, foster care, family therapy referrals and other services which are provided directly through referrals to community agencies. They also fund six outreach counseling programs for families in which there are child and adult victims of family violence.

THE DEPARTMENT OF AGING provides a variety of services and programs for the elderly. If you are over the age of 65 and are the victim of abuse by your caretakers or others, the Department of Aging operates an Ombudsman Program to help you.

THE FAMILY VIOLENCE PROJECTS provide emergency shelter, support groups, counseling, and advocacy for the victims of domestic abuse. There are 18 family violence projects located throughout Connecticut. These telephone numbers are listed in the back of this booklet. There does not have to be police involvement for you to receive services.

THE RAPE CRISIS CENTERS provide immediate counseling, support, as well as legal and medical assistance to the victims of rape and sexual assault. You do not need to report the rape to the police to get help. There are 13 rape crisis centers located throughout the state. These telephone numbers are listed in the back of this booklet.

VARIOUS SUPPORT GROUPS provide peer counseling and mutual support for victims and their families. **SURVIVORS OF HOMICIDE** helps the family members and close friends of persons who were murdered. **MOTHERS AGAINST DRUNK DRIVING, REMOVE INTOXICATED DRIVERS, and STUDENTS AGAINST DRUNK DRIVING** provide support and information to victims (and their families) who have been injured or killed as the result of a drunk driver. **THE TRAUMA VICTIMS SUPPORT GROUP** helps victims and their families cope with the problems of severe injuries regardless of how the injury occurred. **LEAGUE OF VICTIMS** focuses on influencing legislation in the area of victim rights.

IF I WANT SERVICES, WHERE DO I START?

The first thing you should do is get medical attention if you are injured. If you call the police, they will help you get to a doctor or hospital. Rape victims can call their local rape crisis hotline if they want someone to go to the hospital or doctor with them.

Use this booklet or the "Community Services Telephone Numbers" section of your telephone book to help identify the services that are available to help. Many of the services are geared to help with specific types of victims such as family violence, child abuse, and rape/sexual assault. If you do not have a telephone book or just don't know where to turn, call INFO LINE or the Victim Information Center (1-800-822-VICT). They can help identify what types of services you might need and who to call in your area.

WHAT IS CRIME VICTIM'S COMPENSATION?

The State of Connecticut established the Commission on Victim Services to provide monetary compensation to victims of crime. The commission can pay for medical care, counseling services, lost wages, funeral costs, dental care, and other expenses that are the direct result of a crime. It CANNOT pay to replace property which has been lost, stolen or damaged. Victims or their representatives must complete an application to receive compensation. A claims consultant will investigate the claim and work with the victim/family to gather all the information that is needed to make a decision about the claim. The members of the commission review the claim and determine if all the legal requirements have been met. If so, they make a decision about the amount of money that will be awarded to the victim/family. For crimes occurring on or after October 1, 1987 a victim/family can receive up to \$15,000. Up to \$25,000 can be awarded in a homicide case. In order to receive compensation, the crime must be reported to the police within five days, and the claim must be filed within two years. Although the victim/family does not have to be a resident, the crime must have occurred in Connecticut. Other rules about compensation are available from the Commission on Victim Services.

WHAT DOES A VICTIM ADVOCATE DO?

The Commission on Victim Services operates a Victim Advocate Program to help victims and their families as they go through the criminal court processes. Victim advocates explain the various court procedures, notify victims of trial and hearing dates, assist with the return of property taken as evidence, escort the victims to court, and provide referrals to local social service agencies that can most appropriately address the needs of the victim/family. Victim advocates provide the emotional support and information that victims and their families need to understand and cope with their tragedy. They also inform victims of their rights in the criminal justice system and help them exercise those rights.

Family violence victim advocates are trained to deal with the victims of family violence. They are familiar with the legal, emotional and physical problems of family violence. These victim advocates provide crisis counseling, assist with getting temporary restraining orders and protective orders, and serve as professional advocates for the victim within the courts. They can help the victim identify and locate community services that are needed and can arrange for emergency shelter. The Family Violence Victim Advocate Program is administered by the Connecticut Coalition Against Domestic Violence through a contract with the Commission on Victim Services.

WHERE CAN I FIND A VICTIM ADVOCATE?

Commission on Victim Service victim advocates work out of the state's attorney's offices in the judicial district courts. There are currently victim advocates in nine judicial districts. The exact locations are listed in the back of this booklet.

Family violence victim advocates are located in every geographical area court in the state. You can contact the Family Relations Office of the court to talk with a domestic violence victim advocate, or call the Family Violence Project closest to your home. There is a list of these telephone numbers in the back of this booklet.

HOW DO I KNOW IF I NEED HELP?

Some victims need help in coping with their experience and some don't. Some victims deal with the emotional effects of their victimization immediately while it can take months for some victims to feel its effects. You have to decide what is right for you. If you have family and friends you can talk to, you may not need the support of a victim advocate or counselor. Yet you may need the financial assistance offered by the state's victim compensation program. The services available to victims provide you with choices—choices about what you need and when you need it. They can let you know about many options of which you may not be aware. The most important thing to realize is that you are not alone. There are people with information and experience that may help you. And they will be there when YOU decide that you need them.

I AM HAVING TROUBLE CONTACTING AN AGENCY FOR HELP; WHAT SHOULD I DO?

It can be very frustrating to get referred to another agency, be put on hold or to be "bounced around" when you are calling for help. Remember that the people you are talking to are usually trying to get you to the person who can best provide the assistance you need. There may be no short cut through the process.

Don't be afraid to ask questions. You may want to know about what types of services are offered by the agency, whether or not you need to make an appointment, how much it will cost, and what help you can expect to receive. Many times an agency will provide services that you would not expect or can help you identify additional services that may be helpful. Even if you believe you are being "bounced around," **DON'T GIVE UP**. There are services available, but it may take a few telephone calls to locate the specific assistance that you need. If the agency that you call does not provide the services you need, ask if they know of one that does.

FAMILY VIOLENCE

Is anyone in your family or household hitting you?

Does your partner ever threaten you?

Does your partner prevent you from leaving the house, getting a job, or returning to school?

Does your partner threaten to hurt you when you disagree with him/her?

Does your partner destroy things that you care about, such as your family photos, your clothes, or pets?

Are you forced to engage in sex that makes you feel uncomfortable?

Do you have to have sex after a fight to "make up"?

Does your partner watch your every move? Call home ten times a day? Accuse you of having affairs with everyone?

IF YOU ANSWERED "YES" TO ANY OF THESE QUESTIONS YOU MAY BE THE VICTIM OF FAMILY VIOLENCE. ³

Battering is a pattern of coercive control that one person exercises over another within a relationship. Battering is the major cause of injury to women in the United States, exceeding muggings, rapes, and even auto accidents. In Connecticut more than 30,000 women experience at least one incident of violence within their relationship in any given year. The overwhelming majority of family violence victims are women.

It is a crime if a person physically abuses you, hits you, or threatens to hurt you, even if that person is your spouse or relative. Connecticut law includes a variety of policies and procedures for police responding to family violence cases; protective orders, restraining orders, and services for victims of family violence; education programs for offenders; and training for police and judicial personnel.

Once a violent attack takes place in a relationship, the violence can often happen again. In fact, it can get worse and more frequent as time goes on. The more you know about the options, legal protections and services that are available to help you, the easier it will be to figure out what you want to do. Call your Family Violence Project (listed in the back of this booklet) to get information, support and assistance. Battering is not your fault. You have nothing to be ashamed of—the abuser does!

WHAT SHOULD I DO IF I AM BEING ATTACKED?

GO TO A SAFE PLACE. Escape if you can. Go to a relative's or friend's house, or a family violence shelter—wherever you feel safe.

SEEK MEDICAL ATTENTION IMMEDIATELY. Tell the doctor or nurse what happened and ask that pictures of your injuries be taken. Find out how to get copies of your records if you need them later.

TALK WITH SOMEONE about the choices you have. Even if you don't need or want shelter, talking with other people who have been abused or with a counselor can help you decide what your options are. It can help you see your own strengths and will confirm that you do not deserve what is happening to you. Family violence victim advocates and counselors will not tell you what to do or make decisions for you, but will provide information and support so that you can make the best possible decisions.

WHAT ARE MY LEGAL OPTIONS?

1. *To call the police and report what the abuser has done:*

The police are required to investigate your complaint. If the police determine that it is more likely than not that a crime has been committed, they are required to arrest the abuser. In addition, the police are required to:

- Help you get medical attention;
- Tell you about your right to file an affidavit for a warrant of arrest;
- Inform you of available services, including monetary compensation for medical bills through the Commission on Victim Services;
- Remain at the scene until it is unlikely that further violence will occur.

2. *To receive information from a Family Violence Victim Advocate at the criminal court:*

Family violence victim advocates work with the criminal court and their local Family Violence Project to provide support and information to victims of domestic violence crimes. Advocates can give you information about how the court system works, whom you can talk to about your case, and what might happen to the abuser. An advocate can also help you request a protective order and tell you about other agencies that can help.

3. *To seek a protective order from the criminal court to keep the abuser away from you:*

If you are the victim in a criminal case, the judge may give you a **PROTECTIVE ORDER**. A protective order can tell the abuser not to harass you, contact you, contact your children, come to your home, come to your place of employment, or any combination of these.

To find out if you can get a protective order, you should contact the family violence victim advocate in the court where the case is being handled, or your local Family Violence Project.

4. *To seek a restraining order from the civil court to keep the abuser away from you:*

If you suffered a physical injury or have been threatened with physical injury then you may be able to get a **RESTRAINING ORDER**. A restraining order can tell the abuser not to harass you, contact you, contact your children, come to your home or place of employment, or any combination of these.

To find out how to apply for a restraining order, call your local Family Violence Project, family violence victim advocate, the clerk of the court, or an attorney. There is a booklet available from the Connecticut Coalition Against Domestic Violence that gives a step-by-step explanation of how to get a restraining order without an attorney.

WHAT ELSE CAN I DO?

Call one of Connecticut's 18 family violence projects for a safe place to stay, or for support and information to help end the violence in your life. These telephone numbers are listed in the back of this booklet. Even if you do not want or need shelter, talking with other people can help you decide what options are available for you and your children.

For more information about family violence and the legal alternatives that are available, contact the Connecticut Coalition Against Domestic Violence (CCADV) at 524-5890 in Hartford, or your nearest domestic violence project listed in the back of this booklet. There is a booklet entitled *A Guide to Connecticut's Family Violence Law*, which provides more in-depth information about family violence and the legal options that are available. Call your local domestic violence project or the CCADV to receive a copy.

RAPE AND SEXUAL ASSAULT

Do you think that you may have been sexually assaulted?

Has someone had sexual relations with you without your consent?

Do you know that it is still rape even if your attacker is your spouse, lover, date, friend or relative?

Do you know that in many sexual assaults, the victim knows the attacker?

Every six minutes a woman is raped. All kinds of women are victims of sexual assault—single or married, black, white or Hispanic, educated or uneducated, rich or poor. And it can happen to women at any age—from infants to grandmothers. There is not a “typical” victim of rape.

Rape is not sexually motivated. It is a crime of violence and power. Victims are chosen because they are vulnerable. **SEXUAL ASSAULT IS THE RESPONSIBILITY OF THE RAPIST—NOT THE FAULT OF THE VICTIM.**

IS IT RAPE EVEN IF I HAVE CONSENTED TO SEXUAL RELATIONS IN THE PAST?

Any time a person is forced to have sexual contact or sexual relations with another person, it is rape. You must consent to have relations each time. Your past sexual history with your attacker or in general cannot change the crime.

DOES THE SEXUAL INTERCOURSE HAVE TO BE COMPLETED FOR IT TO BE RAPE?

No. By law, sexual assault includes a variety of sexual activities. It not only includes sexual intercourse, but also oral sex, anal sex, or using an object to penetrate the genital or anal openings of the victim's body. It is also a crime for a person to have sexual relations with someone who is under the age of 15, mentally ill or mentally retarded, physically helpless, or unable to give knowledgeable consent. Sexual relations between a child under 18 and his/her guardian, parent or other person generally responsible for the child's welfare is a crime. Sexual assault includes many other forms of sexual contact without the consent of the victim. The law specifies these various crimes in terms like sexual assault in the first, second, third, and fourth degrees.

DO I HAVE TO FIGHT BACK FOR IT TO BE CONSIDERED RAPE?

No. Eighty-five percent of all rapes are accompanied by violence or the threat of violence to the victim or her family. Rape is a crime whether or not you physically resist.

WHAT CAN I DO IF I AM ATTACKED? (Adapted from *How to Protect Yourself Against Sexual Assault*, Office of Justice Assistance, Research, and Statistics, U.S. Department of Justice [Washington, DC: U.S. Government Printing Office].)

You have several options. Which option you use will depend on the situation—you, your attacker, the place, and the time of day. In deciding how to respond to an attacker, your personal safety must be your primary concern.

SUBMITTING: Most rapists will threaten you to get you to cooperate. They may even threaten to hurt or kill members of your family. If you believe you might be seriously hurt or if you are afraid to fight back, **DON'T**. If you submit to a rape because you are afraid for your own or your family's safety, you are not consenting. It is still rape. And you should not feel guilty or bad because you did not fight back.

PASSIVE RESISTANCE: There are ways you can resist the attack without actively fighting back. You can try to "talk your way out of it" or try to divert the attacker's attention long enough for you to escape.

- Say you are sick or pregnant. Say you have a venereal disease such as AIDS, herpes or syphilis.
- Pretend to faint or make yourself vomit; cry hysterically or act insane.
- If you are home, say your spouse, friend, roommate or other person is expected home soon.

ACTIVE RESISTANCE: Fighting back, screaming and other physical efforts to ward off the attack may be the right thing to do in your circumstance. It may also make your attacker more violent or more determined to go through with the rape. You must assess the situation and make the best decision you can.

Screaming may help if you are in an area where people will hear you and respond. Try yelling "FIRE" instead of "RAPE"—people tend to respond more quickly.

Struggling and fighting back may cause your attacker to flee. If you are not afraid to hurt someone and can give the attacker a few hard kicks and hits, fighting back may be your best option. It may give you time to run to safety.

Weapons such as knives, guns, or mace should be used with caution. To be effective you must be trained and not afraid to use the weapon. Remember your attacker may be able to use it against you if you are not careful.

ULTIMATELY YOU MUST DO WHATEVER YOU NEED TO DO TO SURVIVE THE ATTACK.

WHAT DO I DO IF I HAVE BEEN RAPED?

- Go to a safe place.
- Do not rinse your mouth, bathe, douche or shower. You may wash away valuable evidence that can convict the rapist.
- Do not change clothes. If you go to the hospital, take a change of clothes with you.
- Seek medical attention quickly for possible injuries, even if you do not feel physically hurt. You need to be checked for pregnancy and sexually transmitted diseases.

- You are not required to report the rape to the police. If you decide to report it, do so immediately. Quick reporting may lead to a quick arrest.
- Don't panic. Help is available through sexual assault crisis centers located around the state.

WHAT IF I DECIDE TO REPORT THE RAPE TO THE POLICE LATER?

You can report most instances of rape to the police for five years after the incident. Unless you know your attacker, the longer you wait to report the crime, the less chance that the attacker will be caught. Even if you know your attacker there is less chance of a successful prosecution in the case if you wait a long time to report the incident to the police.

WHAT HAPPENS IF I CALL A RAPE CRISIS CENTER?

Counselors are trained and have information and experience to help you. They can go to the hospital or police department with you. They can explain your legal options and go to court with you. They will not tell you what to do, but help you understand the available options. A listing of the sexual assault crisis centers is located in the back of this booklet; the table of contents of your telephone book has a listing of "Community Services Telephone Numbers," including the center closest to your home.

IF I TALK TO A RAPE CRISIS COUNSELOR, WILL WHAT I SAY BE CONFIDENTIAL?

Yes, except in the case of a child who was assaulted by a family member. The confidentiality of a conversation with a rape crisis counselor is protected by state law.

DO I HAVE TO REPORT THE CRIME TO THE POLICE TO GET HELP FROM A RAPE CRISIS CENTER?

No. They will provide counseling, information and assistance whether or not you choose to report the crime to the police.

I FEEL GUILTY AND AWFUL EVER SINCE I WAS RAPED; IS THAT NORMAL?

Every person reacts differently to a sexual assault. At first many are shocked, fearful or experience wild mood swings. After a while, rape victims often feel anger, self-blame, humiliation, guilt and/or anxiety. Nightmares, sleep disturbances, and a change of appetite are not uncommon. Whatever you feel is all right. It may take a long time for you to feel "normal" again. You may need counseling or other types of help. It could even take months or years before you feel the impact of what has happened to you. You must remember that you have been through one of the most traumatic events that could ever happen to a person.

CHILD ABUSE

Does the child have unexplained bruises, fractures or injuries, particularly around the genital area, on the wrists, ankles, back or thighs?

Are you afraid to leave the child with your spouse, babysitter, relative or a friend because you fear for the child's safety?

Does the child refuse to be left with a specific person, but welcomes the attention of other people?

Has there been a sudden change in the child's behavior, especially a change to either aggressive or withdrawn behavior?

Is the child suddenly having trouble sleeping, waking to nightmares or wetting the bed?

Is the child complaining of irritation of the genital area or is there an unusual discharge?

If you answered "Yes" to any of these questions, you need to consider the possibility that the child may be abused. Try to notice patterns of behavior over time, rather than just focusing on isolated incidents, unless the incident is severe enough to warrant immediate attention.

Child abuse knows no boundaries. It occurs in all types of families. Child abuse has lifelong effects on its victims. It is up to responsible adults in the child's family, neighborhood or social circle to help identify the problem and help secure the child's safety.

WHAT IS CHILD ABUSE?

An abused child is one whose physical or mental health and welfare is harmed or threatened with harm by the acts or omissions of the child's parent or other person responsible for the child's well-being. Child abuse consists of four primary types of mistreatment:

- *Physical abuse* includes any NONACCIDENTAL injury caused by a person responsible for the child's care.
- *Emotional maltreatment* includes the withholding of emotional security through prolonged or frequent verbal abuse (such as berating, belittling, name calling) or by depriving the child of the love and attention necessary for the child to grow emotionally.
- *Sexual abuse* includes any form of sexual activity imposed on a child by a person in a position of power, authority and/or influence over the child.
- *Neglect* involves the failure to provide for the child's basic needs such as food, shelter, clothing, medical care, supervision and education.

WHAT SHOULD I DO IF I SUSPECT A CHILD IS BEING ABUSED?

- Ask the child exploratory questions about the symptoms you are seeing; try not to ask leading questions such as "your father/mother hit you, didn't (s)he?"

- Call your local police, the state's CARE LINE, or the regional office of the Department of Children and Youth Services to report the incident to the proper authorities.
- If possible, seek medical attention for the child. A medical examination requires parental permission. If the child is not yours, you should seek the help of the Department of Children and Youth Services before obtaining medical attention.
- In a case of suspected sexual abuse, preserve evidence (SEE THE SEXUAL ASSAULT SECTION OF THIS BOOKLET).
- Get a medical assessment from experienced medical personnel; if needed the Department of Children and Youth Services can help you locate one in your area if needed.
- If possible keep the child away from the suspected abuser.

THE ABSENCE OF PHYSICAL OR MEDICAL EVIDENCE DOES NOT NECESSARILY MEAN THAT CHILD ABUSE HAS NOT OCCURRED.

WHAT HAPPENS IF I CALL THE DEPARTMENT OF CHILDREN AND YOUTH SERVICES?

"The goal of Department of Children and Youth Services (DCYS) intervention is to protect children and strengthen families so they can remain together whenever possible."⁴ Your call will be handled by a DCYS social worker who can help answer questions that you may have. Suspected child abuse is investigated by an intake social worker working in your area. The results of that investigation will determine what happens next.

WILL THE CHILD BE REMOVED FROM THE HOME?

Not necessarily. The first duty of child protective services is to protect the child and ensure his/her safety. DCYS understands the trauma associated with removing the child from the home and his/her parents. A lot will depend on the parents' attitude and willingness to work with DCYS to solve the family's problems related to the abuse. If separation is required, DCYS will try to have the suspected abuser leave the home, rather than remove the child. A very serious situation must exist for the child to be taken from his/her parents.

WHAT CAN DCYS DO TO HELP THE CHILD AND FAMILY?

Once child abuse or neglect has been substantiated, DCYS has professional staff who can provide counseling, supervision, information and referrals to children and their families. They operate and contract for foster care, mental health care for children, group home care, institutional care, counseling for families (including child or adult domestic violence victims) and other services designed to help children and their families. The staff of DCYS can also assist in identifying resources in the community that you can go to on your own. The department is involved in a variety of child abuse prevention programs such as parent education, Parents Anonymous, and projects operated by local hospital and mental health clinics.

WHAT IS PARENTS ANONYMOUS?

Parents Anonymous is a national organization which provides crisis counseling, support and assistance to parents who have abused their children or fear that they might abuse their child. It provides services and education to help abusive parents learn other ways of dealing with their children. If you are afraid that you, your spouse or other household member may be in danger of hurting your child, call the Parents Anonymous chapter in your area. The number can be found in the "Community Services Telephone Numbers" section of your telephone book or by calling the state office in Hartford. That number is listed in the back of this booklet.

IF SOMEONE IS ARRESTED FOR CHILD ABUSE, WHERE WILL THE CASE BE HEARD?

It depends upon where the official charge is placed against the abuser. If a petition is filed (usually by DCYS) in the Superior Court for Juvenile Matters, the case will probably be heard there. A description of the juvenile court system is found in the booklet *Step by Step Through the Juvenile Justice System: A Handbook for Connecticut*. This booklet is available from The Hartford Institute of Criminal and Social Justice (527-1866).

If the abuser is charged with assault, homicide, risk of injury to a minor, sexual assault or a similar criminal offense, and the abuser is over the age of 16, the case will be heard in the criminal division of the Superior Court. A description of the adult criminal justice system can be found in this booklet.

IF MY SPOUSE IS HURTING BOTH ME AND MY CHILD, SHOULD I CALL THE DEPARTMENT OF CHILDREN AND YOUTH SERVICES OR A DOMESTIC VIOLENCE SHELTER?

You can call either one. The staff member of either agency will help you decide which of the two agencies is the best one to handle your particular case. This decision will be based on the facts you tell them. Be specific about the situation so you can get the help you need.

CAN I BE SUED IF I REPORT SOMEONE FOR CHILD ABUSE?

Connecticut law protects individuals and organizations who report suspected child abuse to the Department of Children and Youth Services. As long as the report was made in good faith there is protection from both civil and criminal liability. In addition, many people such as doctors and teachers are *required* to make a report anytime they suspect a child may be at risk for child abuse. The department will keep the names of people who report suspected child abuse confidential.

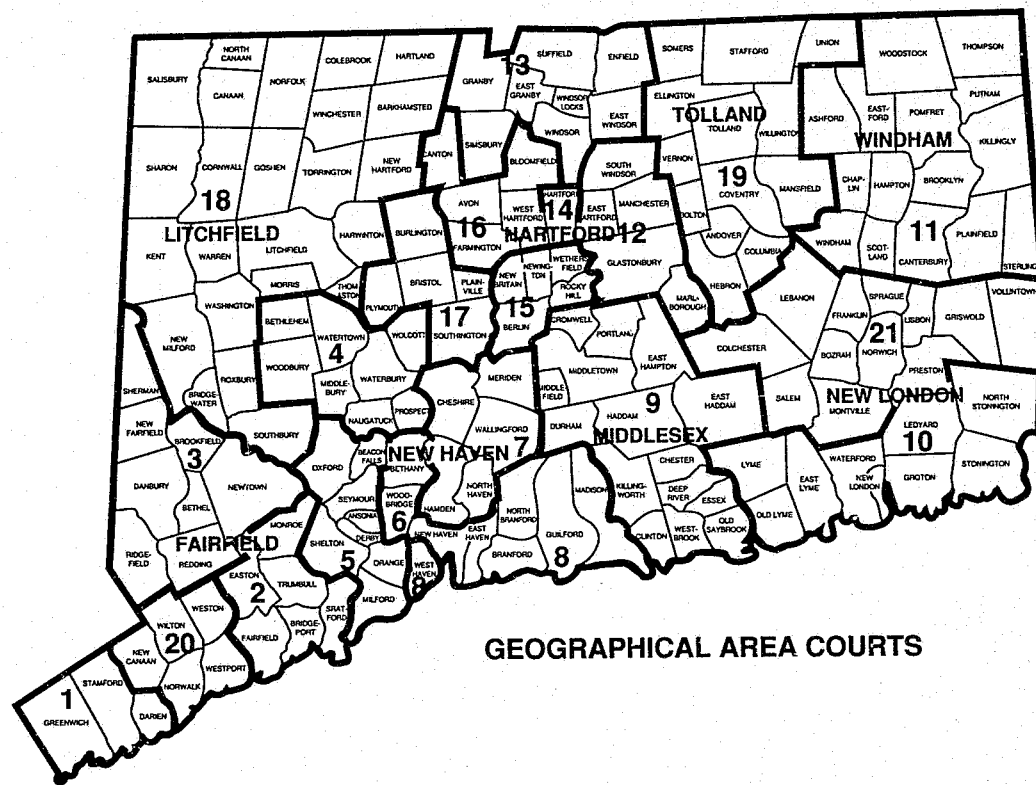
IMPORTANT TELEPHONE NUMBERS

AMERICAN RED CROSS (Hartford)	678-2700
COMMISSION ON THE STATUS OF WOMEN (Hartford)	566-5702
COMMISSION ON VICTIM SERVICES	1-800-822-VICT
VICTIM ADVOCATES (Call the one in your Judicial District)	
Bridgeport	579-6061
Danbury	798-6597
Hartford	566-4787
Middletown	344-2959
New Haven	789-7894
New London	443-2835
Rockville	872-2349
Stamford	965-5215
Waterbury	756-4431
Homicide Program	1-800-822-8428
CHILD ABUSE CARE LINE	1-800-842-2288
CONNECTICUT COALITION AGAINST DOMESTIC	
VIOLENCE (Hartford)	524-5890
DEPARTMENT ON AGING (Elderly Services)	1-800-443-9946
DEPARTMENT OF CHILDREN AND YOUTH SERVICES	566-3661
(Call the Regional Office closest to your home)	
Bridgeport	579-6150
Danbury	797-4040
Hamden	789-7693
Hartford	566-4184
Meriden-Wallingford	238-6185
Middletown	334-2120
New Britain	872-7137
Norwich	886-2641
Rockville	872-6222
Stamford	348-5865
Torrington	482-0669
Waterbury	753-9541

DEPARTMENT OF CORRECTION	566-5710
DEPARTMENT OF HUMAN RESOURCES	
(Child Support Hotline)	1-800-228-KIDS
DEPARTMENT OF INCOME MAINTENANCE.	566-4978
FAMILY VIOLENCE PROJECTS (Call the one closest to your home)	
Ansonia	736-9944
Bridgeport	331-6154
Danbury	748-5903
Danielson	774-8648
Enfield	745-3388
Greenwich	622-0003
Hartford	527-0550
Meriden	238-1501
Middletown	347-6971
New Britain	225-6357
New Haven	789-8104
New London	447-0366
Sharon	364-0844
South Norwalk	852-1980
Stamford	357-8162
Torrington	482-7133
Waterbury	575-0036
Willimantic	456-2261
GOVERNOR'S INFORMATION BUREAU	1-800-842-2220
INFO LINE	
Andover	Dial "O" Ask for Enterprise 1600
Ansonia and Naugatuck Valley	734-2573
Bridgeport	333-7555
Bristol	584-2244
Danbury	743-3819
Danielson	774-7257
Enfield	Dial "O" Ask for Enterprise 1600
Guilford, Madison	453-3787

Hartford	522-4636
Hartland//.....	Dial "O" Ask for Enterprise 1600
Meriden, Wallingford	235-7974
Middletown	346-6691
New Britain	225-4233
New Haven, Milford	624-4143
New Milford	355-0023
North Canaan	824-5371
Norwalk	853-2525
Norwich-New London-East Lyme	886-0516
Old Saybrook	388-9941
Putnam	928-6577
Stafford	Dial "O" Ask for Enterprise 1600
Stamford	324-1010
Torrington	482-9471
Waterbury	753-0171
Willimantic	456-8886
MISSING CHILDREN CONNECTICUT HOTLINE	1-800-367-5678
PARENTS ANONYMOUS (Hartford)	523-5255
PAROLE BOARD	566-3014
PSYCHIATRIC SECURITY REVIEW BOARD	566-3014
SEXUAL ASSAULT CRISIS SERVICES (Hartford)	282-9881
LOCAL RAPE CRISIS CENTERS	
(Call the one closest to your home)	
Bridgeport	333-2233
Danbury	743-9463
Hartford	522-6666
Meriden	235-4444
Middletown	346-7233
Milford	878-1212
New Britain	223-1787
New Haven	624-2273

New London	442-4357
Stamford	329-2929
Torrington	482-7133
Waterbury	753-3613
Willimantic	423-9201 ext. 2515
SURVIVORS OF HOMICIDE	871-6776
SURVIVORS OF HOMICIDE, EASTERN CHAPTER	456-9050
TEL- MED (Taped Medical Information)—(Hartford)	548-4166
TRAUMA VICTIMS SUPPORT GROUP	688-7683
V.D. NATIONAL HOTLINE	1-800-227-8922



CONNECTICUT SUPERIOR COURTS

JUDICIAL DISTRICT COURTS

Ansonia-Milford: 14 West River Street, Milford, CT 06460	
Chief Clerk	877-4293
Danbury: 146 White Street, Danbury, CT 06810	
Chief Clerk	797-4400
Fairfield: 1061 Main Street, Bridgeport, CT 06604	
Chief Clerk	597-6527
Hartford-New Britain	
Hartford Civil Division, 95 Washington Street,	
Hartford, CT 06106 Chief Clerk	566-3170
Hartford Criminal Division, 101 Lafayette Street,	
Hartford, CT 06106 Chief Clerk	566-1630
New Britain: 177 Columbus Boulevard,	
New Britain, CT 06051 Chief Clerk	827-7133
Litchfield: Courthouse, Litchfield, CT 06759	
Chief Clerk	567-0885
Middlesex: 265 Dekoven Drive, Middletown, CT 06457	
Chief Clerk	344-2966
New Haven: 235 Church Street, New Haven, CT 06510	
Chief Clerk	789-7908
New London: 70 Huntington Street, New London, CT 06320	
Chief Clerk	443-5363
Norwich: 1 Courthouse square, Norwich, CT 06360	
Chief Clerk	887-3515
Putnam: 155 Church Street, Putnam, CT 06260	
Chief Clerk	928-7749
Stamford-Norwalk: 123 Hoyt Street, Stamford, CT 06905	
Chief Clerk	965-5307
Tolland: 69 Brooklyn Street, Rockville, CT 06066	
Chief Clerk	875-6294
Waterbury: 300 Grand Street, Waterbury, CT 06702	
Chief Clerk	757-8306
Windham: 108 Valley Street, Willimantic, CT 06226	
Chief Clerk	423-8491

GEOGRAPHICAL AREA COURTS

GA 01: 115 Hoyt Street, Stamford	Clerk965-5208
GA 02: 172 Golden Hill Street, Bridgeport	Clerk579-6568
GA 03: 146 White Street, Danbury	Clerk797-4400
GA 04: 71 Kendrick Avenue, Waterbury	Clerk757-9641
GA 05: 106 Elizabeth Street, Derby	Clerk735-7438
GA 06: 121 Elm Street, New Haven	Clerk789-7469
GA 07: Stoddard Municipal Building, 165 Miller Street, Meriden	Clerk238-6130
GA 08: 355 Main Street, West Haven	Clerk789-7849
GA 09: 90 Court Street, Middletown	Clerk344-3091
GA 10: 112 Broad Street, New London	Clerk443-8343
GA 11: 127 Main Street, Danielson Town Hall, Willimantic	Clerk774-8516 Clerk423-6364
GA 12: 410 Center Street, Manchester	Clerk647-1091
GA 13: 111 Phoenix Avenue, Enfield	Clerk741-3727
GA 14: 101 Lafayette Street, Hartford	Clerk566-1630
GA 15: 125 Columbus Boulevard, New Britain	Clerk827-7104
GA 16: 105 Raymond Road, West Hartford	Clerk236-4551
GA 17: 131 North Main Street, Bristol	Clerk582-8111
GA 18: Town Hall, 338 Main Street, Winsted	Clerk379-8537
GA 19: 55 West Main Street, Rockville	Clerk875-2527
GA 20: 17 Belden Avenue, Norwalk	Clerk846-3237
GA 21: 1 Courthouse Square, Norwich	Clerk889-7338

ACKNOWLEDGEMENTS

I would like to thank the many individuals, agencies and organizations who have helped in the writing of this booklet. They have generously contributed information, ideas, and time to make this booklet an accurate reflection of the criminal justice system and the services that are available to victims and their families. Together we have tried to create a handbook for victims that is useful, informative and understandable.

In particular I would like to thank Ann Menard and the Board of Directors of the Connecticut Coalition Against Domestic Violence, Gail Burns-Smith, the Executive Director of the Connecticut Sexual Assault Crisis Services, Linnea Loin and Gail Mason of the Department of Children and Youth Services, Chyai Mulberg and Karen Chorney. Your help and support have been invaluable.

The Hartford Institute of Criminal and Social Justice and its Administrator, Gordon Bates, are to be commended for taking the initiative to complete this project. Their leadership and financial support have turned this idea into a reality.

Kimberly L. Barnes-O'Connor

Author

March, 1989

END NOTES

1 *Report to the Nation on Crime and Justice*, 2nd Ed., U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, March 1988), p. 29.

2 Peter Finn and Beverly N. W. Lee, *Serving Crime Victims and Witnesses*, U.S. Department of Justice, National Institute of Justice (Washington, DC: U.S. Government Printing Office, June 1987).

3 Reprinted from *Guidelines for Mental Health Practitioners in Domestic Violence Crisis* by Susan Schechter for the National Coalition Against Domestic Violence, 1987.

4 *How Schools Can Respond to Child Maltreatment* (Hartford, Connecticut: Department of Children and Youth Services, State of Connecticut, 1984).