



CONNECTICUT SENTENCING COMMISSION

December 23, 2015

Hon. David M. Borden
Chair

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Commission
Room 212
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Joint Committee on Judiciary
Legislative Office Building, Room 2500
300 Capitol Avenue
Hartford, CT 06106

Dear Members of the Judiciary Committee:

Pursuant to Public Act No. 15-84, Section 10, the Connecticut Sentencing Commission submits the following information and recommendations pertaining to the mandated study of victim notification.

The Connecticut Sentencing Commission unanimously believes that the recommended statutory changes will significantly improve our state's victim notification and criminal justice systems, by ensuring that victims have access to timely and accurate information at every stage of the criminal justice process. We urge the legislature to enact appropriate legislation incorporating these best practices and recommendations.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "A. Tsarkov", is written over a faint, light-colored rectangular stamp or watermark.

Alex Tsarkov
Executive Director
Connecticut Sentencing Commission

AT/ljm
Enclosure: Commission Resolution 2015-04
cc: David M. Borden

**ADOPTED
12/17/2015**

CONNECTICUT SENTENCING COMMISSION

No. 2015-04

Resolution Regarding Victim Notification

Resolution

1 **RESOLVED**, That the Connecticut Sentencing Commission requests that the Connecticut
2 General Assembly amend the Connecticut General Statutes to include its victim
3 notification recommendation entitled “An Act Concerning the Recommendations of the
4 Connecticut Sentencing Commission With Respect to Victim Notification” dated
5 December 2015.

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AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO VICTIM NOTIFICATION

Be it enacted by the Senate and House of Representatives in General Assembly Convened:

Section 1. (NEW)(*Effective October 1, 2016*) Whenever a defendant convicted of one or more crimes receives a definite sentence of more than two years incarceration or a total effective sentence of more than two years incarceration, the court, at sentencing, shall indicate: (a) the maximum period of incarceration that may apply to the defendant, (b) whether the defendant may be eligible to earn risk reduction credit pursuant to section 18-98e of the general statutes, and (c) whether the defendant may be eligible to apply for release on parole pursuant to section 54-125a of the general statutes.

Section 2. Subsection (d) of section 54-91c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(d) Upon the request of a victim, prior to the acceptance by the court of a plea of a defendant pursuant to a proposed plea agreement, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall provide the victim with the terms of the proposed plea agreement in writing. If the terms of the plea agreement include a period of incarceration of more than two years or a total effective sentence of more than two years, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall indicate: (1) the maximum period of incarceration that may apply to the defendant, (2) whether the defendant may be eligible to earn risk reduction credit pursuant to section 18-98e of the general statutes, and (3) whether the defendant may be eligible to apply for release on parole pursuant to section 54-125a of the general statutes.

Section 3: (NEW)(*Effective October 1, 2016*) The Department of Correction shall make publically available general offender sentencing information. Specifically, the information shall include, but is not limited to: (a) the release mechanisms under the authority of the Department of Correction; (b) information on pre-sentence confinement credit and application pursuant to section 18-89d of the general statutes; (c) information on the eligibility and application of risk reduction earned credit pursuant to section 18-89e of the general statutes; (d) the standards for eligibility for parole and (e) the state-wide automated victim information and notification system mandated by section 54-235 of the general statutes.

Report

The Victim Notification Working Group was appointed by the Connecticut Sentencing Commission on June 18th, 2015 to address the needs of crime victims at sentencing and assist with the study and recommendations mandated by Public Act 15-84.

Natasha Pierre, State Victim Advocate, chaired the working group and was joined by seven experienced criminal justice professionals representing a broad spectrum of state services. The working group held three meetings over a period of four months and was narrowly focused on the issues presented by the Connecticut General Assembly's statutory charge.

In Connecticut, victims of crime have a constitutional right to receive information about the arrest, conviction, sentence, imprisonment and release of the accused.¹ In order to receive this information, crime victims must register via one or more of the following state-run notification systems: The Department of Correction Victim Services Unit, the Office of Victim Services, or the Statewide Automated Victim Information Notification System (SAVIN).

The Department of Correction Victim Services Unit and SAVIN provide presentence and post-conviction notifications. The Office of Victim Services provides post-conviction notifications. If a crime victim registers with all notification systems, s/he will be notified if the defendant:

- Applies for pardon, parole, release from prison other than a furlough or a change in sentence;
- Is scheduled to be released from a correctional facility other than on a furlough, except a reentry furlough;
- Applies for an exemption from the registration requirements of the Sex Offender Registry;
- Applies for a restriction of the disclosure requirements of the Sex Offender Registry;
- Dies while in custody;
- Transfers to a community release program (DOC only); or
- Escapes/returns from escape (DOC only).

Note: These notification systems cannot inform a crime victim about the arrest of the defendant.

Although existing notification systems provide a wealth of useful post-conviction and presentence information, Crime victims would further benefit by having an understanding of a defendant's term of imprisonment and potential release date at the time of sentencing. Although periods of incarceration and community supervision can be impacted by changes in the law or release mechanisms, advance information allows crime victims to plan for their physical, mental health, and safety concerns. The working group's recommendation ensures that crime victims have increased access to information regarding a defendant's term of imprisonment and release date.

¹ Constitution of the State of Connecticut, Article First § 8 as amended by Article XXIX § (b).