

NATASHA M. PIERRE, ESQ.
State Victim Advocate

March 20, 2019

Hon. Andrew McDonald, Chair
Rules Committee of the Superior Court
Supreme Court Building
231 Capitol Avenue
Hartford, CT 06106

Re: Proposal for Changes to the Rules of Professional Conduct

Dear Justice McDonald,

The Office of the Victim Advocate (OVA) is an independent state agency charged with the promotion and protection of the constitutional and statutory rights of crime victims in Connecticut (C.G.S. §46a-13b). Among its many responsibilities, the OVA recommends systemic changes in state policies to ensure the proper treatment and protection of crime victims.

Background: Crime victims cannot seek relief when their constitutional rights are violated. See, *State v. Skipwith*, 165 A.3d 1211 (Conn. 2017). Some Courts have addressed the matter by applying Rule 8.4 (d), engaging in conduct that is prejudicial to the administration of justice. See, *Attorney Grievance Comm'n v. Smith*, A.3d. 2015 WL 737412 (MD. Feb. 23, 2015).

I submit the following recommendations to amend the Connecticut *Rules of Professional Conduct* and *Code of Judicial Conduct* to address and/or avoid violations of crime victims' rights within the criminal justice system.

1. Rule 3.8 Special Responsibilities of a Prosecutor

NEW (3) Make reasonable efforts to assure that the victim, the parent or guardian of such victim or such victim's counsel has been advised of their rights, the procedures

for exercising such rights, and are given reasonable opportunity to exercise such rights.

2. Sec 30a-1(a) Initial Plea Hearing

The judicial authority shall begin the hearing by determining whether all necessary parties are present and that the rules governing services of notice for nonappearing parties and the victim of a delinquent act, the parent or guardian of such victim or such victim's counsel have been complied with, and shall note these facts for the record. The judicial authority shall then inform the parties of the substance of the petition or information

3. Sec 30a-5 Dispositional Hearing

NEW (c) Prior to any disposition, the victim of a delinquent act, the parent or guardian of such victim or such victim's counsel shall be allowed a reasonable opportunity to make a victim impact statement to the judicial authority.

4. Sec 39-7 Notice of Plea Agreement


NEW Notice of the plea agreement and hearing shall be provided to the victim, the parent or guardian of such victim or such victim's counsel.

5. NEW language for Sections 30a-1, 30a-5, 39.7, 43-10 (2)

If no victim is present at the hearing and a written statement has not been submitted, the court shall inquire on the record whether an attempt has been made to notify any such victim. If it is not established that a reasonable attempt has been made to notify the victim, the court shall: (1) reschedule the hearing; or (2) proceed with the hearing but reserve ruling until the victim has been notified and given an opportunity to make a statement.

I look forward to working with you to address this important matter. I can be reached at (860) 550-6632 or Natasha.Pierre@ct.gov.

Sincerely,



Natasha M. Pierre, JD, MSW