

# Appendix XI

## Segment 3: Synopsis of the Thurman Case

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### **The Hartford Courant**

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#### Torrington Suit Held Valid Wives May Sue Police for Protection

By GEORGE GOMBOSSY  
Courant Staff Writer  
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A battered wife may sue police in federal court for refusing to prevent her husband from assaulting her, a Hartford federal court judge ruled Tuesday.

The ruling was made in a suit brought by a Torrington woman who charged local police had refused to protect her from her estranged husband -- who had publicly threatened to kill her -- until he had repeatedly stabbed her.

U.S. District Judge M. Joseph Blumenfeld Tuesday refused to dismiss the suite brought by Tracey Thurman despite Torrington officials' arguments that she had not claimed any valid federal violations of her civil rights. However, the judge dismissed claims made on behalf of Thurman's 2<sup>1/2</sup> year old son because there were no allegations that repeated threats had been made against the boy.

Bridgeport lawyer Judy Mauzaka said she believes Blumenfeld's decision for her client is precedent-setting.

While other recent court rulings have said that police can be sued for failing to assist potential victims, Mauzaka said that to her knowledge this is the first federal ruling saying a woman has the same right to be protected by police from her husband as she does from a stranger.

"If we win (the suit) there will be a new source of protection for battered wives," Mauzaka said.

The suit charges that this case was not isolated and that for a long time the Torrington

Police Department "condoned a pattern or practice of affording inadequate protection, or no protection at all, to women who have complained of having been abused by their husbands or others with whom they have had close relations."

Bridgeport attorney Thomas M. Germain, who is representing the town of Torrington and its police department, had no comment Tuesday on the decision, saying it is inappropriate for him to discuss pending litigation.

Thurman's suit, which seeks \$3.5 million in damages, charges that she and others notified Torrington police numerous times from October 1982 to June 10, 1983, that her estranged husband Charles Thurman made repeated threats against her life.

The complaints, the suit states, were generally "ignored or rejected" even though Thurman was under court order not to make contact with his wife.

According to the suit, the final incident took place June 10, 1983 when Charles Thurman stabbed Tracey Thurman in the chest, neck and throat with a knife 10 minutes after she had called police.

One police officer arrived at the scene 25 minutes after the call was made, and that officer did nothing to stop Charles Thurman from kicking his estranged wife in the head, the suit claims.

Thurman was arrested only after several other police officers arrived at the scene and

Thurman allegedly again made a threatening move toward his wife, according to the suit.

Thurman is now appealing his first-degree assault conviction, Mauzaka said.

The suit says that Thurman, who was a cook in a Torrington restaurant frequented by local police officers, told police he was going to kill his wife.

"In the course of his employment he boasted to said defendants that he intended to 'get' his wife and, on some occasions, that he intended to kill her, the suit says.

A court order barring Charles Thurman from making contact with his wife stemmed from his Nov. 9, 1982 arrest on a breach of peace charge after he broke the windshield of his estranged wife's car while she was in the vehicle.

The suit says that a police officer watched the incident, which allegedly was preceded by Thurman's screaming threats at Tracey Thurman, without taking any action to protect her.

In seeking the suit's dismissal, Germain said that equal protection under the Constitution does not guarantee equal application of public services. "Rather it only prohibits intentional discrimination which is racially motivated."

"There is no allegation that the defendants' alleged actions resulted from an intent to discriminate against the plaintiff Tracey Thurman, nor is there any allegation which would support a claim that any alleged discrimination was a result of plaintiff's race or gender," wrote Germain.

However, Blumenfeld rejected Germain's arguments.

"City officials and police officers are under an affirmative duty to preserve law and order,

and to protect the personal safety of persons in the community," Blumenfeld said in his decision.

"This duty," he continued, "applies equally to women whose personal safety is threatened by individuals with whom they have or have had a domestic relationship as well as to all other persons whose personal safety is threatened, including women not involved in domestic relationships."

"If officials have notice of the possibility of attacks on women in domestic relationships or other persons, they are under an affirmative duty to take reasonable measures to protect the personal safety of such persons in the community. Failure to perform this duty would constitute a denial of equal protection of the laws," Blumenfeld wrote.

# Appendix XII

## Segment 3: Public Act 86-337

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**PA 86-337 - sHB 5255**  
*Appropriations Committee*  
*Judiciary Committee*

### **AN ACT CONCERNING FAMILY VIOLENCE PREVENTION AND RESPONSE**

**SUMMARY:** This act addresses family violence and response *to* it by the police and the courts. It provides directives and guidelines to the police and the courts on how to handle family violence cases and mandates the establishment of training programs for the police, judges, and court personnel.

The act establishes a "pretrial family violence education program" whereby a person charged with a family violence crime (e.g., spousal abuse) can, under specified circumstances, have the charges against him dismissed if he successfully completes an educational program. The program is available only once to an offender and only for misdemeanors (or, "for good cause shown," a class D felony).

The act requires the creation of family violence response and intervention units in all the geographical area courts and provides for the collection of statistical data on family violence over the next five years.

EFFECTIVE DATE: October 1, 1986

### **FURTHER EXPLANATION**

#### *Family Violence and Family Violence Crimes*

The act defines "family violence" as an incident between family or household members that either causes physical injury or creates fear that physical injury is about to occur. The phrase "family or household members" is also defined. It means spouses, ex-spouses, people who have a child in common, people over 16 years old who are related to each other in any way, and people who either "reside together" or who have ever resided together.

The definition of "family violence crime" is any felony or misdemeanor that also constitutes family violence. The definition also contains examples of crimes that are family violence crimes. The examples (by statutory reference) range from kidnapping and sexual assault to damaging public property and tampering with smoke detectors.

#### *Police Behavior, Arrests*

The act provides an approach that the police must take when responding to family violence crimes. In making their decision whether to arrest, the police are not to take into account the relationship of the victim and suspect, nor whether the victim wants the suspect arrested.

Additionally, the police are not to discourage requests for police intervention in domestic violence cases by threatening to or suggesting that they will arrest both the victim and the suspect.

The act also requires the police to evaluate each complaint from two or more opposing parties separately when deciding whether to seek arrest warrants for one or both of the parties.

#### *Police Behavior, Victim Assistance*

The act requires the police responding to family violence scenes to provide immediate assistance to victims, including helping them get medical help, informing them of their right to file for an arrest warrant, and referring them to the Criminal Injuries Compensation Board. In addition, when the police cannot make an arrest, the act requires them to remain on the scene until, in their “reasonable judgment,” the likelihood is eliminated that violence is about to reoccur.

#### *Police Immunity*

The act specifies that the police are not to be held civilly liable for personal or property injury when the suit is brought by “any party to the family violence” and the suit is for an arrest based on probable cause.

#### *Child Abuse Reports by DCYS*

The act amends the current child abuse reporting statute by specifying that the commissioner of the Department of Children and Youth Services is allowed to notify the appropriate law enforcement agency or agencies whenever the department's investigation of a reported incident of suspected child abuse produces evidence of abuse, and the commissioner deems such notification to be necessary. The commissioner could do this under prior law, but the statutes did not specify it.

The act requires the commissioner to adopt regulations by February 1, 1987 to carry out the notification provisions.

#### *Family Violence Response and Intervention Units*

The act requires the Judicial Department, via the Family Relations Division of the Superior Court, to establish a “family violence intervention unit” in all geographical areas. The units must be coordinated and governed by a formal agreement between the Judicial Department and the chief state's attorney, which is within the Division of Criminal Justice. The act requires the family intervention units to:

1. Accept referrals of family violence cases from a judge or prosecutor,
2. Prepare written or oral reports on each case for the court,
3. Provide or arrange for services to victims and offenders,
4. Administer contracts to carry out these services,
5. Provide monitoring systems for all restraining orders, and
6. Establish centralized reporting procedures.

### *Pretrial Family Violence Education Program*

The act creates a pretrial family violence education program for people who are charged with family violence crimes. When a person is charged with such a crime, he can ask the court to place him in the program. If the defendant successfully completes the program, the charges are dismissed. In order to qualify for the program, certain conditions must be present.

1. The crime he is charged with must be no more serious than a misdemeanor, or, if there is good cause, a class D felony. Thus, for example, a person charged with first degree assault or risk of injury to a minor would be ineligible; a person charged with second degree assault would be eligible only if good cause were shown.
2. The defendant must not have previously taken the program.
3. The defendant must not have been convicted of, or accepted accelerated rehabilitation for, a family violence crime committed after October 1, 1986.

The act requires the court to notify the victim of the defendant's request for the program and, if possible, to give the victim an opportunity to be heard. Additionally, the court can postpone its decision on acceptance into the program until it gets a report from a family violence intervention unit.

The defendant must, if he is able, pay a \$200 fee to the court to take the program. The money goes to the general fund.

### *Guidelines and Police Training*

The act requires all "law enforcement agencies" together with the Criminal Justice Division to develop and implement guidelines for arrest policies in family violence incidents by October 1, 1986.

The act requires the Municipal Police Training Council, in conjunction with the Division of Criminal Justice, to establish an education and training program for law enforcement officers and for state's attorneys. The program is to be on the handling of family violence incidents and must include, among other things, the responsibilities of the police as to making arrests, providing assistance to victims, and informing victims and batterers of services and facilities available.

### *Training for Judges and Bail Commissioners*

The act requires the Judicial Department to establish an ongoing training program for judges, family division personnel, bail commissioners, and clerks to inform them about the act's policies and procedures, the functions of the family violence intervention units, and the use of restraining orders.

### *Restraining Orders*

The act adds 16-and 17-year-olds to those allowed to apply for restraining orders against a family or household member, a spouse, ex-spouse, or a person with whom he or she has a child in common. Prior law only allowed adults to apply for restraining orders.

The act probably also expands the category of people against whom restraining orders can be issued. Prior law allowed them against "household members" but did not define the term. The act defines the term as described above, broadly, to include former household members and relatives.

The act requires copies of the restraining order to be sent to the appropriate law enforcement agency, the applicant, the defendant, and the Family Division of the Superior Court.

The act requires the Family Division to keep a registry of all restraining orders in force and to inform the police of the status of such orders.

### *Contempt*

The act requires an expedited hearing when a motion for contempt is filed for violating a restraining order. The defendant must get at least 24 hours notice of the contempt hearing and the hearing must be held within five days of notice.

The act allows the court to impose appropriate sanctions for violating a restraining order (under current rules of court this could include up to 30 days imprisonment).

### *Family Violence Offense Reports*

The act requires the police to complete a "family violence offense report" whenever they respond to a family violence incident and subjects them to a fine of up to \$500 for failure to do so. The purpose of the report is to provide statistics on family violence. When an arrest is made, a report must be completed that includes the names, ages, sex, and relationship of the parties, whether children were involved, whether weapons were used, the type and extent of alleged abuse, the existence of substance abuse, the existence of any prior court orders, and any other information needed for a complete analysis of all the circumstances leading to the arrest.

The police must send the report to the state's attorney for the appropriate judicial district. The act requires the Department of Public Safety to tabulate the data from the reports annually and send it to the governor and the General Assembly for the next five years.

The act eliminates a requirement that the police submit abuse-suspicion reports to the commissioner of human resources.

### *Medical Data Collection Reports*

The act requires medical providers to complete a report on any patient treated for injuries that the medical provider reasonably believes were caused by family violence or when the patient says they were. The medical provider can be fined up to \$500 for failure to complete a report. Unlike the police reports, the medical reports do not have to contain the victim's name. They must contain the relationship, sex, and age of the parties, whether the incident was verified by the victim, the type of injuries, whether medical attention or hospitalization was required, whether the victim has previously sustained injuries from family violence, the action taken, the source of the report, and the address of the reporter.

The act requires the medical providers to send their reports to the Department of Public Safety quarterly. The department must compile the data from the reports annually and send it to the governor and the General Assembly for the next five years.

The act deletes a requirement that emergency room personnel submit abuse-suspicion reports to the commissioner of human resources.

#### Family Division Data

The act requires the Family Division of the Superior Court to maintain a statistical summary of all cases referred to the family violence intervention units and to submit the data to the Department of Public Safety, which must compile and submit the data annually to the governor and the General Assembly for the next five years.

# Appendix XIII

## Segment 3: Video Viewing Guide Questions

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### **The Pursuit of Justice: Judges and Juries**

1. What rights are established by the Constitution for people who have been arrested?

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2. What is the mission of the Connecticut Superior Court?

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3. True or False – judges have considerable power and discretion when handling legal matters, but laws and rulings of higher courts limit their powers. \_\_\_\_\_.

4. What three courts comprise the Judicial Branch in Connecticut?

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5. The Appellate Court reviews decisions, called judgments of the Superior Court. In conducting the review, the Appellate Court looks to see if a mistake was made on the basis of the \_\_\_\_\_.

5. The highest court in Connecticut and the court of last resort is the Connecticut \_\_\_\_\_.

6. How does one become a judge in Connecticut?

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7. True or false? Judges must be re-elected in Connecticut every 8 years. \_\_\_\_\_

8. There are approximately \_\_\_\_\_ cases per year that are decided by a jury in Connecticut.

9. Prospective jurors are chosen from 4 lists. What are they?

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10. True or False? The attorneys in the jury selection process, called *voir dire*, may individually interview each prospective juror? \_\_\_\_\_.

Appendix XIV  
Segment 3: Video Viewing Guide Questions

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**The State of Connecticut v. Michael T.**

1) What was Michael's attitude throughout the whole arrest and court appearance?

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2) What did the Victim Advocate tell Sarah and her father?

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3) What did the Family Relations Counselor do?

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4) Who are the major players in this court case?

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5) Who are the support staff in this court case?

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# Appendix XV

## Glossary of Terms

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### Segment One

**Abolitionist** - a person who advocates doing away with slavery.

**Admiralty Law** - the branch of law concerning maritime disputes.

**Chattels Real** - the Common Law term in the 18<sup>th</sup> and 19<sup>th</sup> Century used to refer to slaves. The Constitution does not use the words "slaves" or "Negroes" or "Africans." It uses the term "other persons" or "such persons."

**Chattel Property** - the Common Law term in the 18<sup>th</sup> and 19<sup>th</sup> Century which referred to land and other forms of property. Chattels Real and Chattel Property were the terms used in the trial to decide the disposition of the cargo of the Amistad.

**Criminal Law** - the branch of the law dealing with crimes and their punishment.

**Civil Law** - the branch of the law dealing with private rights of individuals, groups or businesses including contracts, personal injury, dissolution of marriages, etc.

**Courts** - institution that (a) determine whether a person accused of breaking the law is guilty or not guilty; (b) resolve disputes involving civil or personal rights; (c) interpret provisions of laws enacted by the legislature and decide what is to be the law when none exists for certain situations; and (d) determine whether a law violates the Constitution of the State or the United States.

**Judicial Review** - the court's power to void any law passed by Congress or a state legislature that conflicts with the nation's highest law, the Constitution.

**Justice** - The principle or ideal of moral rightness. The upholding of what is right and fair. In our country, justice also includes the concept that every person is entitled to fair and impartial treatment under the law without regard to race, gender, ethnicity, age or religion. Due process requires that no law or government procedure be arbitrary or unfair.

**Law** - the rules and regulations made and enforced by government that regulate the conduct of people within a society.

**Salvage Rights** - the right to claim goods or property that remain after casualty.

**The Rule of Law** - the notion that all members of society, average citizens and government officials such as senators, judges and even the President – are required to support the legal system and obey its laws. No one is above the law.

**Treaty** - a formal agreement between two or more countries

## **Segment Two**

**Civil Disobedience** - “Refusal to obey government demands or commands especially as a nonviolent and usually collective means of forcing concessions from the government.” Webster’s Dictionary.

**Civil Law** - cases involving the *private* rights of individual, groups or businesses including contracts, personal injury cases or dissolution of marriages, etc.

**Criminal Law** - cases brought by the *state* against an individual for an alleged violation of its criminal code. Cases that deal with crimes and their punishment.

**Courts** - institutions that (a) determine whether a person accused of breaking the law is guilty or not guilty; (b) resolve disputes involving civil or personal rights; (c) interpret provisions of laws enacted by the legislature and decide what is to be the law when none exists for certain situations, and (d) determine whether a law violates the Constitution of the State of the United States.

**Sentence** - a formal pronouncement of judgment by the court or judge on the defendant after conviction in a criminal proceeding, imposing the punishment to be inflicted. This can include probation, incarceration or in extreme cases, death.

## Segment Three

**Adversarial System** – The system upon which American justice is based. In such a system, each party in a case presents his or her point of view as persuasively as possible to a neutral party – usually a judge.

**Pre-Trial Diversionary Program** - A system by which certain defendants in criminal cases are referred to community agencies prior to trial while their criminal complaints or indictments are held in abeyance. The defendant may be given job training, counseling and education. If he/she responds successfully within a specified period (*e.g.* 90 days, more or less), the charges against him/her are commonly dismissed.

**Pre-Trial** - In a civil case, a conference with a judge or trial referee to discuss discovery and settlement. In a criminal case, a conference with the prosecutor, defense attorney and judge to discuss the case status and what will happen next.

**Arraignment** - The first court appearance of a person accused of a crime. The person is advised of his or her rights by a judge and may respond to the criminal charges by entering a plea. Usually happens the morning after a person is arrested.

### **Key Players in Connecticut's Court System:**

**Bail Commissioner:** The public official in the courtroom who recommends to the judge the amount of the bail to be set for each defendant.

**Clerk:** The officer of the court whose primary duty is to maintain court records. He or she also administers oaths. Court clerks are appointed by the judges.

**Court Interpreter:** Translates each word that is said during a court proceeding into the native language of a non-English speaking defendant.

**Court Monitor:** The court may have either a monitor or a reporter. The monitor is the official who makes a trial record or transcript by using a tape recorder.

**Court Reporter:** The court reporter is the court official who sits directly in front of the judge's bench. Using a special typewriter, the reporter takes down every word said during a trial. This becomes the official record or transcript.

**Defendant:** The individual accused of committing a crime. He or she may present a defense either with the assistance of an attorney or by self. The defendant may or may not testify on his or her own behalf and may waive rights as outlined by the judge. The defendant is always considered innocent until proven guilty beyond reasonable doubt. A defendant may not be forced to testify against him/herself (Amendment V to the U.S. Constitution).

**Defense Counsel:** As the lawyer representing the defendant, his or her responsibility is to present evidence and arguments on behalf of the defendant so that the State does not convince the judge or jury beyond a reasonable doubt that the defendant committed the acts as charged. The lawyer may be either a private attorney hired by the defendant to help in the trial or may be a public defender.

**Judge:** An elected or appointed official with the authority to hear and decide cases in a court of law. Judges preside over preliminary hearings and trials. Judges in Connecticut are appointed for eight-year terms, they are nominated by the governor and are confirmed by both the House of Representatives and the Senate.

**Probation Officer:** Provides information to the judge about a defendant and supervises an offender in the community to ensure compliance with court orders.

**Marshals:** Maintains order in the courtroom and is responsible for all prisoners while in the courthouse.

**Public Defender:** The public defender is an attorney appointed by the judge and paid by the state to assist a defendant who does not have enough money to hire a private attorney. Every person charged with a crime has the constitutional right to the advice of an attorney (Amendment VI to the United States Constitution).

**State's Attorney:** Tries to prove beyond a reasonable doubt that the defendant committed the crime as charged.

## TERMS AND ABBREVIATIONS

AKA - "Also known as". Used to list aliases or another name, or another spelling of a name used by a person.

Accelerated Rehabilitation - Also called AR. A program that gives persons charged with a crime or motor vehicle violation for the first time a second chance. The person is placed on probation for up to two years. If probation is completed satisfactorily, the charges are dismissed.

Action - Also called a case or lawsuit. A civil judicial proceeding where one party sues another for a wrong done, or to protect a right or to prevent a wrong.

Adjournment - Postponement of a court session until another time or place.

Adjudication - A decision or sentence imposed by a judge.

Adjudicatory Hearing - Juvenile court proceeding to determine whether the allegations made in a petition are true and whether the child/youth should be subject to orders of the court.

Adult Court Transfer - The transfer of juveniles who are at least fourteen years old to regular criminal dockets in Geographical Area or Judicial District courts. Also involves the transfer from a Juvenile Detention Center to the State Department of Correction.

Adult Probation - A legal status, applied to people 16 years of age and older, who have been convicted of a crime and placed under the supervision of a probation officer for a period of time set by the court.

Adversary System - The system upon which American justice is based. In such a system, each party in a case presents his or her point of view as persuasively as possible to a neutral party – usually a judge

Affidavit - A written statement made under oath.

Alcohol Education Program - A pre-trial program for first time offenders charged with driving a motor vehicle under the influence of alcohol.

Alford Doctrine - A plea in a criminal case in which the defendant does not admit guilt, but agrees that the State has enough evidence against him or her to get a conviction. Allows the defendant to enter into a plea bargain with the state. If the judge accepts the Alford Plea, a guilty finding is made on the record.

Alternative Detention Program - A Program operated by service providers under the Court Support Services Division used to detain juveniles instead of in a Juvenile Detention Center.

Alternative Incarceration Center - Also called AIC. A community-based program that provides monitoring, supervision and services to people who would otherwise be incarcerated.

Alternative Sanctions - Criminal punishment that is less restrictive than incarceration.

Appeal - Asking a higher court to review the decision or sentence of a trial court because the lower court made an error.

Appeal Bond - Money paid to the court while taking an appeal to cover costs and damages to the other party, if the appeal is not successful.

**Appearance** - The official court form filed with the court clerk which tells the court that you are representing yourself in a lawsuit or criminal case or that an attorney is representing you. All court notices and calendars will be mailed to the address listed on the form. When a defendant in a civil case files an appearance, the person is submitting to the court's jurisdiction.

**Arraignment** - The first court appearance of a person accused of a crime. The person is advised of his or her rights by a judge and may respond to the criminal charges by entering a plea. Usually happens the morning after a person is arrested.

**Arrest** - When a person is taken into custody by a police officer and charged with a crime.

**Bail** - Also called Bond. Money or property given to the court for the temporary release of a defendant, to ensure that the defendant will return to court.

**Bail Bondsperson** - A person who lends money to a defendant to pay for bail.

**Bail Commissioner** - A state-appointed person who may set the amount of bond for persons detained at a police station prior to arraignment in court, and who recommends to the court the amount of bond that should be set for the defendant on each criminal case.

**Bench Warrant** - Court papers issued by the judge, "from the bench," for the arrest of a person.

**Bond** - Also called Bail. Money or property given to the court for the temporary release of a defendant to ensure that the defendant will return to court. There are two kinds of bonds:

- **Non-financial bonds:** a) Non-surety bond where the defendant's signature alone guarantees the amount of bond and the defendant is not required to post any property or retain the services of a professional bail bondsperson as collateral or b) Promise to appear .
- **Surety bond:** The court requires cash, real estate or a professional bail bondsperson's signature as collateral before releasing the defendant back into the community. (The court may allow the defendant to post ten percent of the bond in cash to secure his or her release.)

**Bond Forfeiture (calling the Bond)** - If the defendant fails to appear in court as scheduled, the judge may order the bond forfeited (paid to the state) and the defendant rearrested.

**Bond Review** - A hearing for a judge to decide if the defendant's bond amount needs to be changed.

**Bondsman** - One who has put a surety; one who has put up cash or property as collateral before a defendant may be released.

**Calendar** - A list of court cases scheduled for a specific date and time; the civil and family court docket.

**Capias Mittimus** - A civil arrest warrant used to get a person physically into court to respond to a specific case or claim.

**Capital Felony** - A criminal offense in which the death penalty may be imposed. (C.G.S. 53a-54b.)

**C.G.S.** - Abbreviation for Connecticut General Statutes.

**Charge** - Formal accusation of a crime.

Charge to Jury - In trial practice, a statement delivered by the court to the jury at the close of the case instructing the jury as to what principles of law they are to apply in reaching a decision.

"Chip Smith Charge" - An instruction to deadlocked jurors, urging those jurors who disagree with the majority vote to reexamine the majority views in an effort to reach a unanimous verdict.

CIP - Children in Placement is a voluntary program in Juvenile Court which monitors neglect cases.

Classification and Program Officer - Also called CPO. A person who provides classification, program counseling and recreational services to detained juveniles. May attend certain court hearings in Juvenile Matters and provide reports.

Complaint - A legal document that tells the court what you want and is served with a summons on the defendant to begin the case.

Conditional Discharge - A disposition, in criminal cases, where the defendant must satisfy certain court-ordered conditions instead of a prison term.

Contempt of Court - A finding that someone disobeyed a court order. Can also mean disrupting court, for example by being loud or disrespectful in court.

Continuance - The adjournment or postponement of a court case to another day.

Conviction - To be found guilty of committing a crime.

Court Clerk - The person who maintains the official court record of each case. The court clerk's office receives all court papers and assigns hearing dates.

Court Interpreter - The person who translates court hearings from English to another language. Provided at state expense in all criminal cases and in cases enforcing child support orders, if requested. No interpreter is available for divorce or any other civil case.

Court Monitor - The person who prepares a written record of the court hearing for a fee, if requested, from audio tapes made during the hearing.

Court Trial - Trial by a judge, rather than by a jury.

Day Incarceration Center - Also called DIC. A community-based program that provides monitoring supervision and services to people who would otherwise be incarcerated. DIC clients are supervised during the daytime hours, seven days per week.

Defendant - In civil cases, the person who is given court papers, also called a respondent. In criminal cases, the person who is arrested and charged with a crime.

Delinquent - In civil or family cases, failing to pay an amount of money when due. In juvenile cases, a child who violated a law, local ordinance or an order of the Superior Court.

Deposition - Testimony of a witness taken, under oath, in response to another party's questions. Testimony given outside the courtroom, usually in a lawyer's office. A word for word account (transcript) is made of the testimony.

Detention Hearing or Detention Release Hearing - A hearing on the first business day after a juvenile is admitted to juvenile detention concerning the legality and appropriateness of continued detention of the juvenile. The detention decision must be reviewed at least every fifteen days.

Dismissal - A judge's decision to end the case.

Diversions Programs - Community-based programs that are used to keep eligible, convicted criminal offenders out of prison.

Docket - A list of cases scheduled to be heard in court on a specific day or week.

Docket Number - A unique number the court clerk assigns to a case. It must be used on all future papers filed in the court case. Each docket number starts with two letters that tell the type of case. CI = criminal infraction; CR = criminal case; CV = civil case; FA = family case; MI = motor vehicle infraction; MV = motor vehicle case; SC = small claims.

Drug Court - A Special Session of the Superior Court that is responsible for hearing cases involving charges of drug offenses.

Education Program - A program for family violence offenders that, if granted and successfully completed, results in dismissal of criminal charges. (C.G.S. 46b-38c)

Electronic Monitoring - An electronic system that provides the Probation Officer or Bail Commissioner with a report about whether the offender has left home during the time when the offender was required to remain at his or her home.

Emancipated Minor - A person under the legal majority age of 18 who is granted most rights and legal privileges of an adult. (C.G.S. 46b-150, et seq.)

Emancipation - The release of a youth from the legal authority and control of his/her parents and the corresponding release of the youth's parents from their obligations to the youth.

Evidence - Testimony, documents or objects presented at a trial to prove a fact.

Failure to Appear - In a civil case, failing to file an appearance form. In a criminal case, failing to come to court for a scheduled hearing.

Family Relations Counselor - A person who mediates disagreements and negotiates agreements in custody, visitation and divorce cases. At the request of the judge, a family relations counselor may evaluate a family situation by interviewing each parent and the children in the family. The family relations counselor then writes a report for the judge, making recommendations about custody and visitation. Works in the Family Services Office.

Family Violence Education Program - A program for family violence offenders that, if successfully completed, results in the dismissal of criminal charges.

Family Violence Victim Advocate - A person who works with domestic violence victims to determine their needs and inform them of their rights and the resources available to them.

Family With Service Needs - Also called FWSN. A family that includes a child, who (a) runs away without just cause, (b) is beyond the control of his/her parents/guardian, (c) has engaged in indecent or immoral conduct, and/or (d) is a truant or continuously defiant of school rules and regulations.

Felony - Any criminal offense for which a person may be sentenced to a term of imprisonment of more than one year.

Felony Murder - A murder committed while the person is also committing a felony.

G.A. (Geographical Area) - The court location where motor vehicle and most criminal cases are heard. There are 22 GA courts in Connecticut.

Guardian - A person who has the power and duty to take care of another person and/or to manage the property and rights of another person, who is considered incapable of taking care of his or her personal affairs.

Guardian Ad Litem - A person, usually a parent, appointed by the court to represent a child or unborn person in a court case. If a family member is not available, a judge may appoint an attorney.

Habeas Corpus - A court order used to bring a person before a court in order to test the legality of the person's detention. Usually, it is directed to the official or person detaining another, commanding him to bring the person to court for the judge to determine if that person has been denied liberty without due process of law.

Hearsay - Testimony given by a witness who tells second or third-hand information.

Hung Jury - A jury whose members cannot reconcile their differences of opinion and thus cannot reach a verdict.

Incarceration - Confinement to a state correctional institute or prison.

Indigent - Someone without enough money to either support himself or herself or his or her family. Someone who cannot afford to pay certain fees required by the court.

Information - In a criminal case, the formal court document in the clerk's file which contains the charges, dates of offenses, bond status, continuance dates and disposition.

Infraction - A case where the fine may be paid by mail and usually the person does not have to appear or come to court. For example, a speeding ticket.

Injunction - A court order to stop doing or to start doing a specific act.

Investigatory Grand Jury - A judge, constitutional state referee or any three judges of the Superior Court appointed by the Chief Court Administrator to conduct an investigation into the commission of a crime or crimes.

Judge - A person who hears and decides cases for the courts. Appointed by the Governor for a term of eight years and confirmed by the General Assembly.

Judicial District - The court where most civil and family matters are heard in a certain area of the state. There are 13 judicial districts in Connecticut.

Jury Charge - The judge's formal instructions on the law to the jury concerning the law of the case.

Jury Instructions - Directions given by the judge to the jury concerning the law of the case.

Juvenile Delinquent - A person under the age of 16 who commits a criminal act.

Juvenile Detention Center - A secure facility for juveniles operated by the Court Support Services Division of the Connecticut Judicial Branch, open 24 hours a day, 7 days a week.

Juvenile Probation - Placement of an adjudicated delinquent under the supervision of a juvenile probation officer.

Magistrate - A person who is not a judge but who is authorized to hear and decide certain types of cases. For example, family support magistrates hear cases involving child support.

Marshal - The persons responsible for courthouse security, including the metal detectors at the entrance of each courthouse, and maintaining order in each courtroom.

Mediation - A dispute resolution process in which an impartial third party assists the parties to voluntarily reach a mutually acceptable settlement.

Minor - A person under age 18, the age of legal majority.

Misdemeanor - A crime that carries a maximum penalty of one year and/or a \$2,000 fine.

Mitigating Circumstances - Circumstances that may be considered to reduce the guilt of a defendant. Usually based on fairness or mercy.

Mittimus Judgment - Also called a Mitt. The formal document prepared by the court clerk to present a convicted defendant in a criminal case to the Department of Correction for incarceration.

Motion - Usually a written request to the court in a case. Filed with the clerk's office.

Neglected Minor - A child or youth who has (a) been abandoned, (b) is being denied proper attention, (c) is being permitted to live under conditions injurious to his/her well being, or (d) has been abused.

No Contact Order - A court order that prohibits contact by a defendant with a victim; can be ordered by a judge, a bail commissioner, a probation officer or a parole officer.

No Fault Divorce - The most common kind of divorce, when no one needs to prove that the husband or the wife is at fault, or caused the marriage to end. Described as "broken down irreconcilable."

Nolle - Short for nollo prosequi, which means "no prosecution." A disposition of a criminal or motor vehicle case where the prosecutor agrees to drop the case against the defendant but keeps the right to reopen the case and prosecute at any time during the next thirteen months. The nolle is entered on the court record and the defendant is released from custody. If the defendant stays out of trouble during the thirteen months, the case is removed from the official court records.

Nolo Contendre - It means "no contest." A plea in a criminal case that allows the defendant to be convicted without admitting guilt for the crime charged. Although a finding of guilty is entered on the criminal court record, the defendant can deny the charges in a civil action based on the same acts.

No Contest - A plea in a criminal case that allows the defendant to be convicted without admitting guilt for the crime charged. Also called nolo contendere. Although a finding of guilty is entered on the criminal court record, the defendant can deny the charges in a civil action based on the same acts.

Oath - To swear/affirm to the truth of a statement/document.

Order of Detention (Detention Order) - An order issued by a judge of the Superior Court finding that there is probable cause that a juvenile committed an offense or a violation of a court order and ordering that the juvenile be held in a Juvenile Detention Center or some alternative facility until further order of the court.

Orders of Temporary Custody - Also called an OTC. Court order placing a child or youth in the short-term legal custody of an individual or agency authorized to care for juveniles.

Parenting Education Program - A mandatory program for persons involved in a divorce with children or a custody or visitation case. Must be attended within 60 days of the return date on the summons.

Parole - Release from incarceration after serving part of a sentence.

Pendente lite order - A court order made before final orders are granted.

Peremptory Challenge - The rejection of a prospective juror by the attorneys in a case, without having to give a reason. State law defines the number of peremptory challenges available.

Perjury - Making false statements under oath.

Petition - A formal written request to a court, which starts a special proceeding. In juvenile court, the legal document which specifies the complaint against the juvenile and/or family; it includes the name, age and address of the minor and his/her guardian, as well as the statutory grounds and facts upon which the request for the court intervention is based.

Plaintiff - The person who sues or starts a civil case, also called the petitioner or the complainant.

Plea - An accused person's answer to a criminal charge. For example, not guilty, guilty or no contest.

Plea Bargain - The agreement a defendant makes with the prosecutor to avoid a trial. Usually involves pleading guilty to lesser charges in exchange for a lighter sentence.

Pleadings - The court documents filed with the court by the parties in a civil or criminal case. For example, motion to dismiss or motion for modification.

Posting Bond - To pay the court-ordered bond amount with cash or property.

Practice Book - Contains the rules of court and forms that must be followed in all Connecticut court cases. Available in all courthouse law libraries.

Pre-Sentence Investigation - Also called P.S.I. A background investigation conducted by a probation officer on a person who has been convicted of a criminal offense.

**Pre-Trial** - In a civil case, a conference with a judge or trial referee to discuss discovery and settlement. In a criminal case, a conference with the prosecutor, defense attorney and judge to discuss the case status and what will happen next.

**Pre-Trial Diversion** - A system by which certain defendants in criminal cases are referred to community agencies prior to trial while their criminal complaints or indictments are held in abeyance. The defendant may be given job training, counseling and education. If he responds successfully within a specified period (*e.g.* 90 days, more or less), the charges against him are commonly dismissed.

**Probable Cause Hearing** - A hearing held before a judge in criminal cases to determine if enough evidence exists to prosecute. The probable cause hearing must be conducted within 60 days of the filing of the complaint or information in Superior Court, unless the accused person waives the time or the court grants an extension based on good cause.

**Probation** - When a convicted offender receives a suspended term of incarceration and is then supervised by a probation officer for a period of time set by a judge.

**Probation Absconder** - A person under probation supervision whose location is unknown, in violation of the conditions of their probation.

**Promise to Appear** - A type of non-financial bond where the defendant agrees to return to court without giving cash or property.

**Pro Se** - A Latin phrase meaning "for yourself." Representing yourself in any kind of case.

**Prosecute** - To carry on a case or judicial proceeding. To proceed against a person criminally.

**Protective Order** - A criminal court order issued by a judge to protect a family or household member.

**Referee** - Judges who reach the mandatory retirement age of 70 may be designated as Judge Trial Referees by the Chief Justice and can hear and decide certain types of case.

**Residential Treatment Program** - Programs that provide extensive drug or alcohol treatment on an in-patient basis.

**Respondent** - Another word for defendant; the person responding to a lawsuit. In Juvenile Court, the word refers to the person or persons named in a petition.

**Restitution** - Money ordered to be paid by the defendant to the victim to reimburse the victim for the costs of the crime. Generally making good, or giving the equivalent for any loss, damage or injury caused by a person's actions. Often a condition of probation.

**Restraining Order** - A civil court order to protect a family or household member from physical abuse.

**Revocation Hearing** - A hearing held before a judge to determine whether or not a person has violated the conditions of probation. If there is a finding that a violation has occurred, the judge may impose all or part of the original sentence.

**Seal** - A court order closing a case file from public review, usually in cases of youthful offenders and acquittal. Prevents the public from obtaining information on the cases.

Senior Judge - A judge who reaches the age of 65, or who meets certain other requirements and chooses senior status. Senior judges hear cases on a part-time basis until they reach the mandatory retirement age of 70.

Sentences - The penalty imposed by a judge after the defendant is convicted of a crime. Sentences can be: Concurrent - Multiple sentences will be served at the same time (i.e., sentences of 10 years, 8 years and 2 years, to be served concurrently, equal a total effective sentence of 10 years); Consecutive - The sentences are served back-to-back. The same example above would equal a total effective sentence of 20 years.

Sentencing - When a criminal defendant is brought before a judge after conviction for ordering the terms of the punishment.

Sentence Review - A defendant's written application to a three-judge panel to review the sentence. Must be filed within 30 days after being sentenced with the court clerk. A review decision can increase or decrease the sentence.

Serious Juvenile Offender - A child who has been adjudicated by the juvenile court for a serious juvenile offense.

Serious Juvenile Offense - Certain criminal offenses listed in the Connecticut General Statutes, which are crimes against persons, serious property crimes and certain drug offenses. A juvenile charged with a Serious Juvenile Offense by police may be admitted to a Juvenile Detention Center with a prior court order and may be released only by order of a judge of the Superior Court.

State's Attorney - An attorney who represents the state in criminal cases. The prosecutor.

Statute of Limitations - A certain time allowed by law for starting a case. For example, six years in a contract case.

Subpoena - A command to appear in court to testify as a witness.

Substance Abuse Education - A community-based program for drug offenders that provides education about the harmful effects of drug abuse and also supervises community service.

Substitute Charge - In a criminal case, a charge that replaces the original charge by the prosecutor.

Summons - A legal paper that is used to start a civil case and get jurisdiction over a party.

Support Enforcement Officer - A person who supervises child support payments and brings parents to court to enforce child support orders. May also file legal papers to modify or change child support orders.

Testimony - Statements made by a witness or party under oath.

Time Served - A sentence of incarceration equal to the amount of time a defendant has already spent in state custody waiting for disposition of the case.

Transfer Hearing - Juvenile Court hearing to determine whether a child, 14 or older, charged with a serious juvenile offense should have his/her case transferred to a criminal court and be subject to the same processes and penalties as an adult charged with the same crime.

Transfer Hearing - Juvenile Court hearing to determine whether a child, 14 or older, charged with a serious juvenile offense should have his/her case transferred to a criminal court and be subject to the same processes and penalties as an adult charged with the same crime.

Uncared For - Legal description of a child or youth who is homeless or whose home cannot provide the specialized care which his/her physical, emotional or mental condition requires.

Unconditional Discharge - A sentence in a criminal case in which the defendant is released without imprisonment, probation supervision or conditions.

Venue - The court location.

Victim Services Advocate - A person who assesses a victim's needs and helps the victim understand the court case, how to exercise their right and how to access other resources.

Violation of Probation - Action or inaction that disobeys a condition of probation.

Voir Dire - "To speak the truth." The process of questioning prospective jurors or witnesses about their qualifications.

Witness - A person who testifies to what they saw, heard, observed or did.

Writ - Legal paper filed to start various types of civil lawsuits.

Youth - Any person (16) to (18) years of age.

Youthful Offender - A legal status available to persons who have been arrested for a crime committed when they were between the ages of 16 and 18 who meet other eligibility requirements. If the court grants Youthful Offender status, the information and proceeding are confidential and do not become part of the person's criminal record.

YOEI - An investigation performed by a probation officer to determine if the youth qualifies to be treated as a youthful offender.

# Appendix XVI

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Amistad America ([www.amistadamerica.org](http://www.amistadamerica.org)) project to build a replica of the Amistad vessel.

The Amistad Research Center ([www.arc.tulane.edu](http://www.arc.tulane.edu)) major archival repository for the study of African American history.

The Anacostia Museum ([www.si.edu/organiza/museums/anacost/anachome.htm](http://www.si.edu/organiza/museums/anacost/anachome.htm)) home to the Center for African American History and Culture of the Smithsonian Institution.

Exploring Amistad ([www.amistad.mysticseaport.org](http://www.amistad.mysticseaport.org)) online educational site.

NetNoir Online ([www.netnoir.com](http://www.netnoir.com)) gateway to African American culture.

The Smithsonian Institution ([www.si.edu](http://www.si.edu)) American's national museum.

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Joyce Annette Barnes, *Amistad* (Junior novel based on the screenplay, 1997)  
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## Web Sites on Connecticut Court System

State of Connecticut Judicial Branch: [www.jud.state.ct.us](http://www.jud.state.ct.us)

Connecticut Consortium for Law & Citizenship Education: [www.connix.com-cclce/home.html](http://www.connix.com-cclce/home.html)

## Web Sites for Lesson Plans on Court System in General

New York Times Learning Network Lesson Plan Search: [www.nvtimes.com](http://www.nvtimes.com) (search American History, Language Arts, Social Studies, Civics)

AskERIC Lesson Plans: <http://askeric.org/virtual/lessons/> (search Justice)

Homework Central: [www.homeworkcentral.com](http://www.homeworkcentral.com) (search lesson plan archives-government & civics, justice).

Project Legal (run by Dr. Jim Carroll, Syracuse University): [www.maxwell.svr.edu!plegal](http://www.maxwell.svr.edu!plegal)  
(includes links to Project Critical which provides 6 units of lesson plans and an interactive website for students called compulegal, teacher resources, etc.)

## Primary Documents on the Connecticut Courts

[A Guide to the Records of the Judicial Department](#). State Archives, Record Group #3: Part 1 : History of the Courts to 1900; Part 2: County Courts. Located in The Connecticut State Library.

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