

DECEMBER 1, 2021

# ADVOCATE

**ad'vo-kāt** (verb): to support, assist others on a cause or issue of concern; to act as an advocate for others.



Marsy's Law is Making a Difference  
November 3, 2021

## Friends,

It's hard to believe that a year has passed since Kentucky voters overwhelmingly approved Marsy's Law as an amendment to Kentucky's Constitution. During this last year, victims of crime, their loved ones, advocacy organizations, the legal community and many others have united in recognizing the rights of victims provided by Marsy's Law.

It has been an amazing paradigm shift as conversations regarding crime victims and their rights have become part of the criminal justice process. And most importantly, instances of Marsy's Law making a difference – where survivors and their families are able to participate in, and be heard during, the criminal justice process – are occurring throughout the Commonwealth.

Thank you for your role in helping Marsy's Law become such an integral part of Kentucky's criminal justice system.

During the next 12 months, I hope we can further ensure that crime victims in Kentucky can lean on their constitutional rights of inclusion, participation and respect brought to them by Marsy's Law. In the meantime, please take a moment to watch the video below as we celebrate one year with Marsy's Law in Kentucky!

In gratitude,  
Emily



## VIRTUAL PANEL CELEBRATES ONE YEAR WITH MARSY'S LAW

With November 3 marking the one year anniversary of Marsy's Law in Kentucky, we engaged a virtual panel discussing the constitutional amendment's progress.

A huge thank you to our panelists who took the time to share their experiences during the event: Denise Durbin, Executive Director, Kentucky Attorney General's Office for Victims Advocacy; Brittany Scordo, Director of Victim Services, Fayette County Commonwealth's Attorney's Office; Jennifer Brown and Jennifer Lainhart, Blueprint for Safety; and Laela Kashan, Staff Attorney, Kentucky Association of Sexual Assault Programs.

It was truly inspiring to hear from each of them as they recounted the ways Marsy's Law is being implemented within their organizations and used to provide victims a voice in the judicial process. If you missed the virtual panel on November 3. You can watch it [here](#).



# STATE DIRECTOR SPEAKS AT NATIONAL CONFERENCE ON VICTIMS' RIGHTS

MLKY was represented in Portland earlier this month during the 21st Annual National Crime Victim Law Institute's Conference. This is the only national conference focusing on the impact of law, rights, and the justice system on victims, including enforcement of victims' rights in criminal cases.

This year's theme – Empowering Through Access – resonates with our efforts in Kentucky as the constitutional rights provided by Marsy's Law empower victims by protecting their meaningful access to the criminal justice system. State Director Dr. Emily Bonistall Postel co-presented with Dorislee Gilbert, J.D. to share "Practical Steps and Legal Remedies: Strategies to Improve the Criminal Justice Experience for Crime Victims."

Situating real experiences from victims in Kentucky within the research, we discussed the ways that improving access and participation in proceedings has a profound effect on victims – including promoting the therapeutic recovery process. By connecting the neurobiology of trauma with the manifestation of trauma in victim behavior throughout the criminal justice system, participants were able to clearly see why it can be so retraumatizing to a victim when the criminal justice system fails to protect these rights. The session included a robust discussion of practical remedies (including communication techniques and litigation strategies) that aid prosecutors and victims' attorneys in improving the criminal justice experience for crime victims.

Emily and Dorislee have been invited to publish this as a law review article and to present it at the *University Louisville Law Review Symposium* in February 2022!



## **2021 Crime Victim Law Conference**

In-Person — November 11-13, 2021 | DoubleTree Hotel Portland  
Virtual — October 15, 22, 29 & November 5, 2021



# RESOURCES FOR VICTIMS' RIGHTS

During our one-year anniversary panel, Denise Durbin highlighted the resources available for victims through the Kentucky Office of the Attorney General. Once Marsy's Law was adopted, their office updated the victims' rights brochure accordingly. This resource is available on their website and is provided to crime victims as well as service providers.

Denise shared, "In an effort to educate the community, a second product was created, the Learn Your Rights Marsy's Law Card. This card is given to victims and service providers, and includes space to add supporter contact information. We recognize that as a result of the trauma, victims forget a lot of the information shared with them in the moments following their meeting. This form gives the service provider an easy place to add next steps and contact information for them to revisit later. As an organization, we're trying to do all we can to get the word out." To hear Denise's full discussion of these resources, [watch here](#).



**UNDER MARSY'S LAW**  
You have the right to:

- Timely notice of all proceedings (upon request);
- Be heard in any proceeding involving release, plea, sentencing, or consideration of pardon, commutation, granting of reprieve, or other matter involving the right of a victim;
- Be present at all proceedings, other than Grand Jury;
- Proceedings free from unreasonable delay;
- Consult with the attorney for the Commonwealth or designee;
- Reasonable protection from the accused;
- Timely notice of release or escape of the accused;
- Have the safety of the victim and victim's family considered in setting bail, defendant's release, and conditions of release;
- Full restitution to be paid by the convicted defendant;
- Fairness and consideration of the victim's safety, dignity, and privacy;
- Be informed of these rights and standing to assert these rights.

Rights afforded to crime victims by Marsy's Law work in conjunction with KRS 421.500

In order to receive notice of proceedings, victims must inform the prosecutor's office of their contact information and desire to be notified. In order to opt-in, please call the prosecutor's office handling the case at: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

To register for the Victim Information Notification Everyday service, visit [www.vinellink.com](http://www.vinellink.com) or call 1-866-277-7477.

Questions about your rights? Call the Office of the Attorney General's Crime Victim Information Hotline at 502-696-5312 or 800-372-2551 or visit our webpage at [ag.ky.gov/about/Office-Divisions/OVA](http://ag.ky.gov/about/Office-Divisions/OVA)

ADDITIONAL RESOURCES

**Kentucky Assoc. of Sexual Assault Programs**  
866-375-2727 or (502) 226-2704

**Kentucky Coalition Against Domestic Violence**  
(502) 209-5382

**Crime Victim Compensation**  
(502) 782-8255

**Kentucky Assoc. of Children's Advocacy Centers**  
(859) 699-1191

**Cabinet for Health and Family Services**  
**Child Abuse & Neglect Reporting Hotline**  
(877) KYSAFE1 (597-2331)

**UNDER MARSY'S LAW**  
You have the right,  
upon request, to:

- Timely notice of all proceedings;
- Be heard in any proceeding involving release, plea, sentencing, or consideration of pardon, commutation, granting of reprieve, or other matter involving the right of a victim;
- Be present at all proceedings, other than Grand Jury;
- Proceedings free from unreasonable delay;
- Consult with the attorney for the Commonwealth or designee;
- Reasonable protection from the accused;
- Timely notice of release or escape of the accused;
- Have the safety of the victim and victim's family considered in setting bail, defendant's release, and conditions of release;
- Full restitution to be paid by the convicted defendant;
- Fairness and consideration of the victim's safety, dignity, and privacy;
- Be informed of these rights and standing to assert these rights.



\* Rights afforded to crime victims by Marsy's Law work in conjunction with KRS 421.500

**THE CRIMINAL PROCESS**



The Commonwealth of Kentucky does not discriminate on the basis of race, color, religion, sex, national origin, sexual orientation, gender identity or expression, ancestry, age, pregnancy or related medical conditions, marital or family status, disability, veteran status, political affiliation, or genetic information in accordance with state and federal laws.

Printed in part with state funds KRS 57.375

This product was supported in part by grant number VOCA-2019-OAG-00052, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this product are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.



**VICTIMS' RIGHTS**

OFFICE OF VICTIMS ADVOCACY  
(502) 696-5312 or (800) 372-2551

---

Attorney General  
**DANIEL CAMERON**  
[ag.ky.gov](http://ag.ky.gov)

# WHY WE DO WHAT WE DO

Ava Stokes was just 18 years old when a man entered her college apartment and raped her at knife point.

"I think being able to actually use your voice, when you're ready, is the most empowering thing that a survivor can do because, in that moment, you have all the control. No one can take that away from you. They can't not listen. They have no choice but to sit there and hear what their victim went through and what they put them through. So I think that its ... among other things, the most important aspect ... that Marsey's Law has gifted to survivors," said Ava.

Today, she is using her voice and experience to courageously offer help and support to other survivors walking through similar situations. She found that encouragement through the support of Commonwealth's Attorney, Sharon Muse.

When Ava met Sharon, she learned she was not only a prosecutor, but a former assault victim and creator of Own Your Moment, an organization designed to help individuals learn how to avoid threatening situations. After Sharon's assault, she was so appalled by the treatment of victims that she went on to run, and be elected to, the position of Commonwealth's Attorney, serving the 14th circuit - Scott, Bourbon, and Woodford counties. It was in this role that Sharon met Ava, and through her own experiences, helped Ava turn her pain into purpose.

To hear more of Ava and Sharon's story, check out the last segment of Why We Do What We Do.



## THANK YOU KENTUCKY!

In early November we asked our followers on social media to tell us how Marsey's Law had made a difference in their lives over this past year. We were so encouraged to hear from people all across the state! Thank you for a great first year.



# MEMORABLE MOMENTS FROM 2021



MARSY'S LAW  
FOR KENTUCKY

*A year with Marsy's Law*

Marsy's Law is Making a Difference  
November 3, 2021



CONNECT WITH US

kentucky@marsyslaw.us  
www.marsyslawforky.com

