

James F. Papillo, J.D.  
Victim Advocate

# STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE  
505 HUDSON STREET, HARTFORD, CONNECTICUT 06106

## Testimony of James Papillo, State Victim Advocate Submitted to the Judiciary Committee Monday, March 19, 2007

Good afternoon Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. For the record, my name is James Papillo and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony regarding:

### **Raised House Bill No. 7391, An Act Concerning Preventive Detention**

The Office of the Victim Advocate (OVA) has received many complaints from crime victims expressing concern that courts either ignore or fail to give proper weight to important factors affecting public and/or victim safety when setting conditions of release after an arrest. Further, in some cases, as confirmed by OVA review of court transcripts, defendants appear multiple times in the same court, before the same judge, involving multiple criminal offenses, but are often treated as first time offenders with the court setting low bond amounts and setting minimal, if any, conditions of release.

To effectively address these concerns, I strongly **SUPPORT** that portion of Raised House Bill No. 7391 requiring Superior Court judges to state on the record the factors considered when imposing conditions of release on an arrested person, particularly under subsection (b)(3) where the court is required to consider the safety of other persons. However, I strongly recommend that the Committee consider amending the language of the Bill to require Superior Court judges state *any and all* factors considered, not just those contained in subsections (a)(2) and (b)(2).

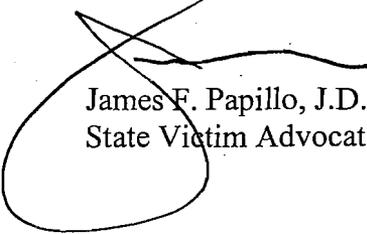
Further, I strongly **OPPOSE** that portion of subsection (b)(3) of Raised House Bill No. 7391 that would require judges to make findings as to the danger the arrested person poses to others.

The requirement of making *findings* with respect to the "safety of other persons" criterion, but not with respect to the "appearance in court" criterion, would create a different standard for one of two criteria without any apparent basis for doing so. Second, the requirement to make findings on the "safety of others" criterion could open the door to "victim bashing" by criminal defendants attempting to limit the number and/or scope of certain conditions of release that pertain to victim safety such as "no contact" orders. This particular problem would be compounded by the fact that although the court could hear from the state and the defendant before making such findings, there is no provision requiring victim input before such findings are made. Further, because

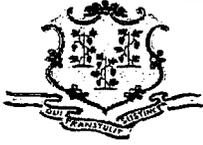
crime victims still do not receive adequate notice of arraignment proceedings, victims will unlikely be present in the courtroom to address these issues.

I respectfully request the Committee consider the amendment to Raised House Bill No. 7391 which I have attached hereto.

I strongly urge the Committee to support Raised House Bill No. 7391 as amended herein. Thank you for considering my testimony.



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**March 19, 2007**

### **Proposed Amendment to Raised House Bill No. 7391, *An Act Concerning Preventive Detention***

#### **Offered by the State Victim Advocate**

Strike lines 73 through 80 entirely and substitute the following in lieu thereof:

(3) When the court imposes conditions of release in accordance with this subsection that will reasonably assure the appearance of the arrested person in court and that the safety of any other person will not be endangered, it shall state for the record the factors that it considered.

#### ***Purpose of Amendment:***

*To require Superior Court judges to state on the record any and all factors considered when imposing conditions of release on an arrested person. Further, the amendment removes the differential treatment of the "appearance in court" and the "safety of others" criteria in setting conditions of release.*