



# STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE  
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State Victim Advocate

**Testimony of Michelle Cruz, State Victim Advocate  
Submitted to the Judiciary Committee  
Monday, March 16, 2009**

Good morning Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide support concerning:

Senate Bill No. 538, An Act Concerning Plea Agreements by Sexual Offenders  
**(Support with amendment)**

House Bill No. 6009, An Act Concerning the Failure of a Witness to Report the Commission of a Serious Crime  
**(Oppose)**

The majority of criminal cases in Connecticut are resolved by plea agreements. Plea agreements provide defendants with the benefit of pleading guilty to a lesser offense(s) and receive a lesser sentence as a result. Often times, charges are nolle and/or are substituted to avoid a felony conviction. Plea agreements can also be a beneficial tool for prosecutors when weighing the strength of their case and whether a victim, sometimes young and/or fragile, is able to testify on the stand.

Criminal cases involving sexual offenders should be screened very carefully when determining any appropriate plea agreement. At the least, prior to the court accepting a plea agreement in sexual assault cases where the defendant will not be required to register as a sex offender, the prosecutor should state on the record the reasons for the plea. In addition, the court should also consider a sex offender evaluation to ensure that the defendant does not pose a risk to the community. These cases must be handled with an eye towards victim and public safety.

House Bill No. 6009 creates the offense of failure to report a crime. When laws such as this proposal are enacted, there are unintended consequences which may put some victims in a quandary. For instance, victims of domestic violence are often referred to the Department of Children and Families (DCF) when an arrest has occurred for a domestic violence offense. At the time of their involvement, DCF may require one of the parents living in the home to be removed or may require other conditions in the name of protecting the children.

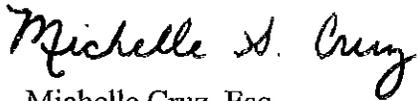
The law may affect victims of domestic violence if, in the view of DCF, the non-offending parent is not able to report a domestic violence crime for one reason or another and is then exposed to an arrest. Further, sexual assault victims may or may not report the crime to police. In fact, sexual assault is one of the most under reported crimes for a

variety of reasons. Again, the threat of an arrest is only going to complicate the problem of under reported crimes, not resolve it.

It is good public policy to encourage citizens to report crime to law enforcement. However, not every citizen enjoys equal living conditions and therefore can not respond as others may. Those living in the inner city, riddled with gang warfare and drugs, are not going to feel free to report crime and maintain their personal safety at the same time. There should be a more proactive approach to encourage citizens to report crime without threatening an arrest.

I urge the committee to support Senate Bill No. 538 with the additional requirement that a sex offender evaluation be conducted prior to the court accepting a plea where the defendant would not be required to register as a sexual offender. I urge the committee to reject House Bill No. 6009 so that the unintended consequences of the proposal do not put citizens and crime victims at risk of an arrest.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michelle S. Cruz".

Michelle Cruz, Esq.  
State Victim Advocate