



STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE
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**Testimony of Michelle Cruz, Esq., State Victim Advocate
Judiciary Committee
Friday, March 19, 2010**

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 testimony concerning:

Raised Senate Bill No. 475, An Act Concerning Nonviolent Offenders

Pursuant to C.G.S. § 54-63d, the bail commissioner is first required to conduct an interview and investigation of the arrested person. The bail commissioner then has the authority to impose conditions of release, including nonfinancial conditions. Certainly the condition that such person remain in his or her residence and/or submit to electronic monitoring, in lieu of incarceration, could be among those nonfinancial conditions. Likewise, the same holds true for a judge considering the appropriate conditions to impose upon a defendant as a condition of his/her release.

Section 1 of Raised Senate Bill No. 475 requires the bail commissioner to assess the risk of an arrested person, for the commission of a crime that does not involve the use, attempted use or threatened use of physical force against another person, to reoffend and consider the release of such person, in lieu of incarceration, on the condition that such person remain in his or her residence and be subject to electronic monitoring. Although the proposal includes requires the bail commissioner to “assess the risk of an arrested person,” one would think that this would be a part of the investigation and interview process. Additionally, I am not aware of a reliable risk assessment tool that can assess the risk of a person to “reoffend”; if such an assessment tool exists, recidivism rates would likely be nonexistent.

The Office of the Victim Advocate (OVA) opposes Section 2 of Raised Senate Bill No. 475 as it requires the probation officer, in preparation of the pre-sentence investigation report, to assess risk of a person based on the “crimes convicted.” There is nearly a 97% plea bargain rate regarding criminal matters in the state. Therefore, a person convicted of a reduced charge as a result of a plea bargain will be assessed, not on the actual crime committed, but on a reduced charge, which may or may not involve the use, attempted use or threatened use of physical force.

Section 3 of Raised Senate Bill No. 475 requires the same assessment for the risk of reoffending for a person, while on probation or parole that is arrested for committing a new crime not involving the use, attempted use or threatened use of physical force. A

person ALREADY on probation or parole, that commits a new crime, has demonstrated their risk of reoffending. Additionally, the underlying crime for which the person has been place on probation or parole must be considered for an accurate assessment, not just the new crime committed. The OVA opposes this section as well.

I urge the committee to reject Raised Senate Bill No. 475 as it does not enhance the current process and will not provide meaningful or helpful information. Thank you for consideration of my testimony.

Respectfully submitted,

Michelle S. Cruz

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