

# STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE  
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State Victim Advocate

**Testimony of Michelle Cruz, State Victim Advocate**  
**Public Safety and Security Committee**  
**Thursday, March 4, 2010**

Good morning Senator Stillman, Representative Dargan and distinguished members of the Public Safety and Security 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 House Bill No. 5237, *An Act Concerning the Investigation of Missing Persons Reports* (SUPPORT)**

The Office of the Victim Advocate (OVA) has heard from many crime victims regarding the issue of the reporting and investigation of missing persons. As I am sure many of you are aware, Janice Smolinski, of Cheshire, has been an extraordinary advocate for improving the reporting and investigation procedures of missing persons. Her devotion to this cause is fueled by Janice's son, Billy, suspicious disappearance in 2004 and the systemic challenges she faced in trying to assist law enforcement search for her son. Just this week, "Billy's Law," proposed by U.S. Congressman Christopher Murphy, won approval in the House of Representatives and is one step closer to becoming a reality.

There are 150,000 missing and 60,000 unidentified deceased in our country. This is not a problem unique to Connecticut. One would think that as technology advances and the use of DNA databases are expanded, the number of missing persons and unidentified deceased persons should decrease. However, without a model policy for the acceptance and investigation of missing persons, Connecticut will fall behind the national effort to address this issue.

Although we have made some improvements in the laws, those who attempt to report a person missing are still often challenged by social stereotypes and attitudes. Raised House Bill No. 5237 will establish a model policy for the acceptance and investigation of missing person reports by law enforcement agencies. The first twenty-four to forty-eight hours are the most important not only for reporting a person missing, but for the collection of potential evidence and notification to the community. I strongly urge the committee to support this important proposal.

**Raised House Bill No. 5342, *An Act Concerning the Licensing and Record Keeping of Pawnbrokers and Precious Metal and Stone Dealers, the Retention of Certain Goods and Certain Fees Charged by Pawnbrokers* (SUPPORT)**

Imagine for a moment, that you've had the bad fortune of becoming a victim of a burglary or larceny at your home and among the items stolen are your great-grandmother's engagement ring, rare coins left to you by your grandfather, and your child's engraved silver rattle. The unfortunate reality is that the chances of your precious memorabilia being returned to you are not

very good. These types of items are often stolen by thieves with an addiction to drugs or alcohol. They are very quickly sold off to a pawnbroker, or alike, and resold without delay.

Many victims of robbery and larceny crimes have complained to the Office of the Victim Advocate (OVA) regarding this very issue. In addition to the initial violation of the burglary or larceny, crime victims find themselves at a loss of hope to recover their precious belongings. Further, crime victims have a constitutional right to receive restitution from the offender for property loss or damage. The difficulty with that is typically the unrecovered items are not documented with a receipt or appraisal and the personal value and emotional attachment are not compensable.

Raised House Bill No. 5342 will provide for a photographic record of items purchased by pawnbrokers, and others, as well as a stay to resell items for ten days. This requirement will not only assist law enforcement during the investigation and apprehension of stolen property but will also provide crime victims with some small measure of hope of recovering their family heirlooms. I strongly urge the Committee to support this important measure on behalf of victims of crime.

**Raised House Bill No. 5344, An Act Concerning the Nondisclosure of Information Regarding Persons Arrested for Domestic Violence (OPPOSE)**

Domestic violence has become an epidemic in Connecticut, especially as of late. Through the years, significant strides have been made to improve the manner in which we respond to incidents of domestic violence, how our criminal justice system responds to domestic violence offenders and the availability of services to victims of domestic violence. However, Connecticut is experiencing first hand the numerous tragedies that occur when there is a failure to respond. Zero tolerance to incidents of domestic violence is the only way to effectively address the epidemic head on. Additionally, zero tolerance must be practiced unilaterally across the state.

The creation of the Speaker's Task Force on Domestic Violence is evidence that Connecticut is serious in its effort to combat domestic violence. Raised House Bill No. 5344 proposes to prohibit the release of the name, address and law enforcement records of any person arrested for a domestic violence offense. I can't express enough my strong opposition to this proposal. The Office of the Victim Advocate hears from more than 900 victims each year. Of those, at least 40 percent are victims of domestic violence or advocates on their behalf. Imagine the number of victims that are not fortunate to find the OVA; Jennifer Magnano; Tiana Notice; Gina Lacouture; Bonnie MacKay Belanger and possibly the newest homicide yet to be identified in Madison, CT.

Domestic violence victims and advocates have been fighting for years to bring awareness, education, outreach and justice out of the socially crippling fog so that victims are not blamed, ridiculed and re-victimized. This proposal will only serve to undue the progress made throughout the last 25 years.

It is unfortunate that all victims of crime, including domestic violence victims, have to be

exposed to unwanted attention through the actions of another; this is just one of the sad realities of being a victim of crime. To hide the identities of domestic violence offenders from the public eye, as this proposal is suggesting, would essentially set the clock back on domestic violence 25 plus years.

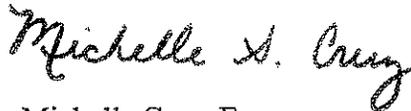
The issue, as I understand it, is that for some domestic violence victims the idea that the domestic violence offender's name and identification may appear in news publications may deter these victims from reporting their crimes to the police. However, the myriad of reasons domestic violence victims remain silent are too numerous to site here and cannot be quelled by legislation either. Rather it is by education, outreach, compassion and enforcement that we can combat domestic violence. I do understand the reasons that victims may fear publicity of their abusers arrest. However, to request that we remove this consequence from an abuser, in hopes of resolving these issues, is simply codifying our enabling of the offender and his or her abuse.

Additionally, the media and the community have a legitimate need to know the prevalence of domestic violence in our communities. Through the media's coverage of domestic violence incidents, more domestic violence victims may find the courage needed to report their abuse and begin to end the cycle of domestic violence in their lives. Further, publically reporting the manner in which the system responds to domestic violence, zero tolerance and a coordinated community effort, may also restore trust to domestic violence victims that there are resources available to help them.

The solution to this problem is to provide domestic violence victims with more support and resources so that when they take that brave step to leave an abuser, the public and negative ramifications of taking that step are buffered by the support within the victim's community. The blame, embarrassment, humiliation and scrutiny belong solely to the domestic violence offender. Only through education and outreach can we remove the stigma associated with domestic violence; this proposal does nothing to advance domestic violence victims' rights.

I strongly urge the committee to reject Raised House Bill No. 5344. Zero tolerance needs to start now. Thank you for consideration of my testimony.

Respectfully submitted,

A handwritten signature in black ink that reads "Michelle A. Cruz". The signature is written in a cursive style with a large, prominent "M" and "C".

Michelle Cruz, Esq.  
State Victim Advocate