



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

In Support of:

H.B. No. 5237 (RAISED) An Act Concerning the Investigation of Missing Persons Reports

H.B. No. 5342 (RAISED) 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

Joint Committee on Public Safety and Security
March 4, 2010

The Division of Criminal Justice respectfully submits the following testimony in support of these two bills on the agenda for today's public hearing:

H. B. No. 5237 (RAISED) AN ACT CONCERNING THE INVESTIGATION OF MISSING PERSONS REPORTS.

The Division of Criminal Justice supports this bill, which would provide a means for preserving DNA evidence of missing persons within a short time of the person being reported missing. This is important because such evidence can easily be lost or contaminated, compromising its value. The bill also will substantially assist authorities in the identification of human remains. The earlier a homicide investigation can begin the better the chances are that the case will be solved.

This bill would provide another valuable tool to "cold case" investigators who through the use of DNA analysis and other advances in technology have made major strides in solving cases that were once considered unsolvable. Cold case investigations are undertaken by various agencies in the State of Connecticut, including the Cold Case Units in the Division of Criminal Justice, the Connecticut State Police and various municipal police departments. The Cold Case Unit in the Office of the Chief State's Attorney alone has secured convictions in more than 25 cases. Nevertheless, hundreds of homicides in this state remain unsolved.

The collection of DNA evidence to assist in the identification of remains can be especially valuable in "cold cases," where a prolonged period of time has elapsed between the time a homicide is committed and the remains of the victim are found. At the present time there are numerous homicides in Connecticut that remain unsolved and

where the identity of the victim has not been determined. This bill could not only assist investigators, but equally important it could remove the uncertainty that remains for the families of these victims and allow those families to begin the grieving process.

Although the Division supports the concept of the bill, we must express our concern about the current language of section 1 (d). As now written, the bill appears to allow *any* person who voluntarily submits a DNA sample in a missing person case to be cloaked with the protection that the sample "shall be used solely to help locate or identify the missing person." This would seem to allow an individual who is not biologically related to the victim and who may in fact be a suspect in the disappearance to give a sample that potentially could not be used to subsequently investigate that person criminally for the disappearance.

In this regard, the Division would respectfully submit the following proposed substitute language for the Committee's consideration:

(d) In cases where DNA samples are requested from biologically-related persons for the purpose of locating or identifying the missing person, the law enforcement agency shall notify such biologically-related person that the sample shall not be used for any other purpose. Nothing in this section shall be construed to limit the ability of law enforcement to obtain DNA samples through other means or to limit the manner in which such samples may be used when obtained through such other means.

Again, the Division would ask the Committee's consideration of this revision to improve this worthwhile and needed legislation.

H. B. No. 5342 (RAISED) 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.

The Division of Criminal Justice supports this bill and would like to extend our appreciation to those in the law enforcement community and the General Assembly who have devoted much time and effort to developing the legislation. The need for legislation in this area became apparent recently in the culmination of an extensive investigation into the thefts of large quantities of items from "big box" retailers such as Home Depot, Target, Lowe's and Wal-Mart. The affected businesses reported losses in the millions of dollars as items listed as "new in box," or NIB, were being offered and sold online by pawn shops. Top of the line power tools were being sold new in the box at pawn shops for less than the legitimate retailer from which the item had been stolen could purchase the time. The investigation found that some individuals were being paid up to \$1,200 a month for items by pawn shops, which would include, for example, three or four lawn tractors a week, and in some instances items "ordered" by the pawn shop.

The joint investigation by a task force organized by the Office of the Chief State's Attorney and including the Connecticut State Police and multiple municipal police

departments found that items (with obvious security devices still attached) could be sold (in large quantities in some instances) to pawn shops without any scrutiny on the part of the pawn shop owners. In other instances, items of stolen jewelry were sold to pawn shops and melted shortly after purchase, leaving no chance for recovery or identification of those responsible for the thefts. More often than not in all of these cases the thefts are carried out to raise money for the purchase of illegal drugs.

H.B. No. 5342 is intended to provide authorities with additional tools to attack the problem of the sale of stolen goods through pawn shops. Pawn shops need strict control measures to identify individuals selling property, a digitally recorded history of the property being sold and by whom, and an adequate holding period to provide authorities with a greater possibility for recovering property that has been stolen and pawned. Specific steps that are needed include:

1. The need to close the loophole for second-hand dealers who are presently not subject to regulation. None of the illegal activities in this area qualify as pawn transactions and therefore are not subject to the record, inspection requirements of existing law.
2. The need for a uniform license and regulatory scheme for all of these related businesses that lend themselves to the sale or receipt of stolen goods. It should be noted that there would be a benefit to those who are regulated in that they would be subject to one fee, one license and one set of records for carrying on multiple activities.
3. The licensing authority should rest with the police chief in a municipality where there is an organized police department and with the Department of Public Safety where there is no organized local department. What is essentially a law enforcement duty should not be imposed on the first selectman, who is first and foremost an administrator.
4. Expanding the requirement in the bill for the photographing and retaining of jewelry items to also require the recording of inscriptions or other identifying marks. Jewelry remains a major target of those who burglarize residences, both occupied and unoccupied.

In conclusion, the Division of Criminal Justice supports this bill and again expresses its appreciation to those who served on the investigative task force, most notably Chief Thomas Sweeney of the Glastonbury Police Department, and to all who have worked to develop legislation to address this issue.

Respectfully submitted,

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Chief State's Attorney