



STATE OF CONNECTICUT

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**Testimony of Michelle Cruz, Esq., State Victim Advocate
Submitted to the Judiciary Committee
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Good afternoon Senator Coleman, Representative Fox 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 is **STRONG OPPOSITION** to:

Raised House Bill No. 6313, An Act Concerning Intensive Probation Supervision

The Office of the Victim Advocate (OVA) is acutely aware of the ongoing efforts to reduce Connecticut's prison population as well as the tremendous financial burden that maintaining the current prison population has on Connecticut's financial status and yet the state must also balance the desire to reduce the prison population with the safety needs of the incarcerated offender's crime victims and the community at large.

With exception of the most serious offenses, the Connecticut criminal justice system allows for first time offenders to take advantage of several diversionary programs, such as the Accelerated Rehabilitation Program (A/R), Drug and Alcohol Education Program (AEP), and the Family Violence Education Program (FVEP) to name only a few. Although many of these programs purport their eligibility as strictly for first time offenders, the reality is that many of the programs mentioned above are over utilized by today's offenders. The OVA has seen many cases where offenders who otherwise would not qualify for a program, have charges reduced to allow entry into a program. Additionally, prevalent in family violence offenses, offenders are offered an informal pre-trial diversion program without having to utilize the "one time" program opportunity. For example, in a 2007 study, there were over 26K domestic violence arrests, and of those, over 25K were nolle or dismissed – or rather, provided diversion in one form or the other. Therefore, in order for an offender in the Connecticut Criminal Justice System to end up in jail, essentially the offender has to work diligently at committing crimes for a period of about ten years prior to even seeing the inside of a jail cell.

Additionally, Connecticut's Judicial Branch statistics report a 98% plea bargain rate for dispositions in criminal matters. That means that 98% of the criminal cases in CT are plea bargained—a reduction of charges or a substitution of charges in exchange for a sweet sentence. There is no limit on the number of plea bargains that one offender can accept. So the reality in CT is that, unless and until an offender is a repeat offender, with a lengthy criminal conviction history, the likelihood of that offender receiving a sentence of imprisonment is very low. For offenses, such as sexual assault and

burglaries, offenders often receive the minimum sentence of imprisonment, as low as nine months, the mandatory minimum in cases of sexual assault.

Further, the General Assembly passed legislation during the 2008 session to allow offenders on probation to petition the court for an early termination of probation after serving a successful portion of that probation. That early termination of probation program is not limited to certain offenders, and includes domestic violence offenders. Interestingly, during the Criminal Justice Policy Advisory Commission meeting on February 10, 2011, Brian Renstrom presented the Commission with the Connecticut Regional Institute Report, *Assessment of Connecticut's Correction, Parole and Probation Systems*. In that report it states that "Connecticut must approach its prison system comprehensively to achieve the right balance between the cost of the system, imposing appropriate justice for criminal activity, and ensuring public safety."

Two key recommendations of the report to decrease the incarcerated population in Connecticut are (1) Review, analyze and standardize the risk assessment instruments to be utilized across the Correction, Parole and Probation systems; and (2) Provide sufficient funding for re-entry programs and measure results and cost effectiveness. Currently, different risk assessments are used by probation, parole and DOC. A consistent method would result in better and more consistent decision-making across the systems. Additionally, without measuring the results of the programs being utilized by the various systems, Connecticut has no way of gauging which programs are working and which programs are not. And yet, we want to institute yet another program.

House Bill No. 6313 would allow for the preparation of alternative sentencing plans for persons who have entered into plea bargains that include a term of imprisonment of two years or less. In addition, probation officers may evaluate and develop a community release plan for persons already incarcerated and sentenced to a term of imprisonment of two years or less. Remember, these are individuals who have already availed themselves of the many opportunities at diversion and the plea bargain process. When is it time for an offender to finally be responsible and accountable for his or her criminal behavior?

According to the Office of Legislative Research Report dated January 5, 2011, Connecticut's prison population reached its lowest point of the last four years. The only question to ask now is, "What is the magic prison count population and at what cost?"

I strongly urge the Committee to reject House Bill No. 6313. Thank you for considering my testimony.

Sincerely,



Michelle Cruz, Esq.
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