

STATE OF CONNECTICUT

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**Testimony of Michelle Cruz, Esq., State Victim Advocate
Submitted to the Judiciary Committee
Wednesday, March 9, 2011**

Good morning 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 concerning:

Raised House Bill No. 6391, *An Act Concerning Penalties for Certain Driving Under the Influence Offenses, Offender Risk Reduction Earned Credits and Home Confinement for Certain Nonviolent Drug Offenders*

As you know, crime victims in Connecticut have constitutional and statutory rights through the criminal justice process. One of the delineated constitutional rights of crime victims is to be treated fairly and with respect throughout the process. One would think that fairness and respect towards a victim of crime would come naturally. Although we have made tremendous strides on behalf of crime victims, we have a long way to go.

The vast majority, more than 95%, of criminal cases are resolved through the plea bargain process. While there are many legitimate reasons to resolve a case with a plea bargain, the plea bargain process is simply over used and abused. Plea bargains are struck to reduce the prison population, to manage the criminal dockets and to avoid trials. The plea bargain process often includes a guilty plea to a reduction of charges or substitution of lesser charges in exchange for a more favorable sentence than if the case was to proceed to trial and the defendant was found guilty.

Section 4 of Raised House Bill No. 6391 proposed to establish an incentive plan for inmates to earn credit toward achieving a reduction of their sentence and an early release from incarceration. Sentence review, sentence modification, transitional supervision, community release, furloughs, parole—how many early release opportunities do we need? Whether the system wants to admit it or not, there is a punitive function of the criminal justice system and sometimes that means incarceration. This section of the proposal further undermines the sentencing process and is an affront to crime victims who have already accepted, in most cases, a plea bargain.

During the Judiciary Committee Public Hearing on Monday, March 7, 2011, a woman testified about the murder of her brother-in-law. She said that the defendant had accepted a plea bargain and was to serve a 30 year prison term and that the family was assured that the defendant would serve every day of that 30 years. Shame on whoever was responsible for telling this family that falsehood. The reality is that this defendant

will be eligible for early release opportunities, such as half-way house placement, once he has satisfied a percentage of his sentence. Additionally, should this section of the proposal become law, this inmate will accrue good time credit and be released even earlier. There is a significant effort to reduce the prison population without regard for crime victims or public safety.

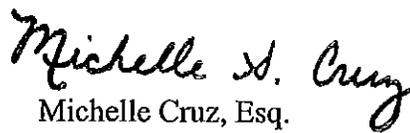
In Connecticut, there are many opportunities at diversion, mainly reserved for first time offenders. However, especially in cases of domestic violence, those diversion opportunities are available after two, three, or even four arrests. Even after an offender has utilized all diversion opportunities available to him/her, there is a strong likelihood that their case would be resolved through a plea bargain and include a suspended sentence. The fact of the matter is that most offenders will have accumulated nearly ten years of criminal behavior before ever being sentenced to a period of incarceration and truly held accountable for their actions. This proposal, along with similar proposals this year, only serves to reduce that accountability on the claim of saving the state money.

Neighboring states, such as Rhode Island, are grappling with this very issue. Michael Woodmansee, convicted in the 1975 murder of a local five-year-old boy, was sentenced to 40 years in prison in 1983, but could be released this summer because of good behavior, twelve years early. Lawmakers and prosecutors are reviewing possible changes to the law that gives violent convicts reduced sentences in exchange for good behavior, but they say there's little they can do to keep Woodmansee in custody.

We have only recently begun to collect recidivism data and we have yet to comprehensively evaluate the rehabilitative programs established and utilized for offenders. The population count in the Department of Correction is at its lowest point in ten years. Ask yourselves, what is that magical number and at what cost?

I strongly urge the Committee to strike Section 4, in its entirety, of Raised House Bill No. 6391. Thank you for consideration of my testimony.

Respectfully submitted,


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