

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 Senate Bill No. 1099, An Act Concerning the Unauthorized Taking or Transmission by First Responders of Images of Crime or Accident Victims

All crime victims in Connecticut have the constitutional right to be treated fairly and with respect throughout the criminal justice process. Especially in cases of homicide, the surviving family members are often exposed to unrelenting media coverage, gruesome autopsy and crime scene photographs presented during trial and the offensive tactics by some defense attorneys zealously representing their client. Unfortunately, there is very little the criminal justice system can offer crime victims to lessen this burden and seemingly lack of respect.

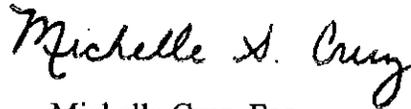
Raised Senate Bill No. 1099 will make it illegal for first responders, who respond to a request to provide medical or other assistance to a person, from taking or transmitting photographic or digital images of that person, without such person's consent. It is unimaginable to think that this would occur, but sadly, the proliferation of the social network empire expands, so to does the human desire to be "in the know". On Halloween of 2006, Nicole "Nikki" Catsouras lost her life in a car accident. Images of her gruesome car accident were taken by one of the responding police officers, by a cell phone, and were then forwarded to the department's dispatcher. From there those photographs have gone viral and are now available on the Internet. In a sickening turn of events, her parents were forwarded these same images of their daughter. Her parents are now suing the California Highway Patrol for taking the photographs. On March 30, 2009, the body of Caroline Wimmer was found by her parents, two days after she was fatally beaten and strangled in the West Brighton area of New York. An emergency medical technician, who was called and responded to the scene, snapped pictures, using his cell phone, of the victim, lying dead on the floor of her apartment with a cord wrapped around her throat. He then proceeded to post the highly offensive photos on his Facebook page. On July 17th, 2010 a fire fighter in Spaulding County Georgia, using his cell phone, photographed and took videos of Dayne Kempson-Schacht, who was killed in a horrific car accident and then shared those photos and videos with his colleagues and the patrons of a bar. These images included a 30 second video close up of the victim after she had passed. That same video has since gone viral and is now on YouTube.

These incidents mark only the tip of the iceberg. One of the barriers in these cases has been that according to the laws in GA, CA and NY, the individuals who took these photographs did not violate any law in their state. It is sad that we need such a law, but clearly these high profile cases exhibit the need and evidence the harm and revictimization of the victims' families. In creating the language of the proposed law, I would encourage you to make sure the definition of "first responder" includes all who presumptively may show up at the scene of a

crime or a motor vehicle accident and render assistance such as law enforcement officers, firefighters, and first responders, for they all receive extensive training and should be on notice that this type of behavior is not only despicable, but also criminal. I strongly urge favorable consideration by the Committee for Raised Senate Bill No. 1099.

Thank you for consideration of my testimony.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michelle D. Cruz".

Michelle Cruz, Esq.
State Victim Advocate