



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 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. 1224, An Act Concerning Court Operations and Victim Services

The Office of the Victim Advocate (OVA) strongly opposes the new subsection (d) of Section 17 and Section 20 of the proposal.

The OVA has identified a troubling practice with the manner in which victim compensation is determined by the Office of Victim Services (OVS), Judicial Department, in claims submitted for compensation as a result of a sexual assault offense. Despite our efforts to resolve the issue with the OVS, the practice remains. I have turned to the Office for Victims of Crime, Office of Justice Programs, for guidance and direction as to how best address the troubling practice.

The issue is the treatment of sexual assault victims in determining whether to grant victim compensation. To start, I believe we can all agree that most sexual assault victims will seek victim compensation for medical reimbursement and/or counseling costs, and as a result, sexual assault victims do not receive a windfall from compensation. Additionally, sexual assaults often are not reported, and even when reported, these cases are rarely prosecuted. Therefore, many states, such as Connecticut, enacted policies and procedures to grant compensation to sexual assault victims when either the victim sought medical assistance and participated in a rape kit, or reported the crime to police. Herein lies the issue.

Recently the OVS has denied claims for compensation to a victim of sexual assault, even though the victim has sought medical attention, participated in a rape kit AND reported the crime to the police. Unfortunately, as is the case with many sexual assault investigations, the police make a determination that the investigation lacks probable cause to go forward with an arrest. The OVS has mistakenly interpreted the lack of sufficient probable cause to make an arrest as a determination that no crime had been committed, and subsequently, the claim for compensation is denied. The problem with this practice in sexual assault compensation claims is that no other victims seeking victim compensation are required to establish probable cause to effectuate an arrest.

Therefore, claims for compensation by victims of sexual assault are handled markedly different than claims from all other crime victims.

The Crime Victims Fund was established by the Victims of Crime Act of 1984 (VOCA) and is administered through the Office for Victims of Crime (OVC). Fund dollars have always come from offenders convicted of federal crimes, not from taxpayer dollars. Every state administers a crime victim compensation program that provides financial assistance to crime victims, supported through VOCA funding and must meet the minimum requirements of VOCA and the Program Guidelines. Under the policies for state compensation through OVC, there is an abundance of freedom for states to design their own criteria for compensation, with the exception that the state compensation screening criteria cannot enact discriminatory practices for determining eligibility for compensation. By treating the sexual assault victim differently and requiring a higher standard in order to be granted compensation, the OVC is discriminating against a class of victims, specifically sexual assault victim, a violation of the OVC policies and procedures for compensation awards. This practice places Connecticut's VOCA funding at risk. States that violate the Program Guidelines stand to lose future VOCA funding.

The primary sources of revenue for the VOCA funding are:

- Criminal fines;
- Forfeited appearance bonds;
- Special forfeitures of collateral profits from crime;
- Assessments for misdemeanor and felony convictions; and
- Gifts and donations.

The fund is not supported through state or federal taxpayer dollars. Crime victims may apply for compensation to reimburse for expenses, such as:

- Medical costs, relating to the crime;
- Funeral and burial costs;
- Mental health counseling;
- Lost wages or loss of support in cases of homicide; and
- Crime scene cleanup.

All expenses being sought by the victim must be verified through receipts and in some cases, the provider will be paid directly. All awards for compensation are paid only after other payment sources are exhausted, such as medical insurance. The compensation program is the payer of last resort. Trust me—crime victims are not getting rich when an award for compensation has been granted. In fact, aside from the emotional, psychological and physical trauma experienced by crime victims as a result of the crime, crime victims, in most cases, will financially suffer far more than what the compensation program can provide. Just ask any crime victim.

The new subsection (d) of Section 17 establishes new standards for compensation claims made by sexual assault victims, including a determination by "the office or commissioner" that a crime has actually occurred. These standards are highly offensive

to victims of sexual assault, especially since the only award that victims of sexual assault are seeking, in the majority of cases, is reimbursement for mental health counseling. Further, "the office or commissioner" is not qualified or trained to make that kind of determination; that is left to law enforcement and the courts. Further, OVS attempts to couch this offensive practice in language that seemingly helps sexual assault victims but in reality the proposal will hurt many. I would respectfully request that the Committee strike out (F) of subdivision (1) of subsection (d) of Section 17 as well as subdivision (2) of subsection (d) of Section 17 in its entirety.

Regarding Section 20 of Raised Senate Bill No. 1224, currently, the OVS is entitled to be reimbursed for two-thirds of any compensation award paid to a crime victim, if the crime victim has successfully brought an action against the person or persons responsible for the injury or death and has recovered damages. Section 20 of Raised Senate Bill No. 1224 seeks to expand this entitlement by OVS to include, "money from any other source or sources". Once again, I must reiterate to you—**CRIME VICTIMS ARE NOT GETTING RICH FROM THE VICTIM COMPENSATION PROGRAM!**

There are many kind hearted people in the state of Connecticut and across the nation. We have seen communities come together for a number of devastating tragedies; some not even within the boundaries of our state. Yet people want to help when others suffer. Crime victims should not have to worry about accepting assistance, whether monetary, food, clothing, etc., from others, especially during one of the most horrific times in their life. I'm not all together sure where this proposal comes from or who the driving forces are behind it, obviously, someone that has never been a victim of crime.

Pursuant to C.G.S. § 54-212, the OVS, through the Attorney General's Office, has a subrogated cause of action against any person or persons responsible for the injury or death of any person that led to an award for compensation. The OVS should be seeking to expand this authority and hold offenders accountable for the payments being made to the very crime victims they've harmed. Doesn't that make more sense than holding the crime victim responsible? I wonder how many times the OVS has sought an action for this purpose.

Thank you for consideration of my testimony. I strongly urge this Committee to **REJECT** the new subsection (d) of Section 17 and Section 20 of Raised Senate Bill No. 1224.

Respectfully submitted,



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