



# STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE  
505 HUDSON STREET, HARTFORD, CONNECTICUT 06106

Michelle S. Cruz, Esq.  
State Victim Advocate

**Testimony of Michelle Cruz, Esq., State Victim Advocate**  
**Submitted to the Judiciary Committee**  
**Wednesday, March 30, 2011**

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 concerning:

**Raised Senate Bill No. 1220, An Act Concerning Family Violence**

On September 28, 2010, the Office of the Victim Advocate (OVA) released its investigative report, *The Murder of Tiana Notice*. One major gap identified during the investigation and highlighted in the report was the lack of responsiveness and enforcement of Tiana's active restraining order by law enforcement officials. It can be argued that Tiana may be with us today had law enforcement appropriately responded to her complaints that the offender was violating the restraining order. Yes, hindsight is 20/20; however, the lack of adequate policies to address the step-by-step process in responding to incidents of domestic violence compounded by the failure to enforce the restraining order by law enforcement is still present today.

The OVA has reviewed many of the state's law enforcement's departmental policies and found that many of the policies are outdated and inadequate. Specifically, not one policy reviewed by the OVA addressed law enforcement's response to a violation of an order of protection aside from commentary on how to authenticate an order, including the model policy adopted by the Police Officers Standards and Training Council (POST), the Office of the Chief State's Attorney (OCSA) and the CT Coalition Against Domestic Violence (CCADV).

Although, admittedly, the issue of authentication of an order of protection is important, the policies must spell out the steps to be taken when an offender violates a valid order of protection and to date, most are silent regarding the enforcement of an order of protection. A key recommendation in the *Notice Investigative Report* calls for the establishment and implementation of a mandatory statewide model policy for law enforcement's response to incidents of domestic violence and since that time, the OVA has advocated and will continue to advocate for this important change.

An important component of the model policy, as recommended by the OVA, is the creation of a Committee to first conduct an evaluation of the current policies and procedures for law enforcement departments' handling of domestic violence incidents and violations of orders of protection. The Committee membership should include representatives of law enforcement, POST, OVA, CCADV and the OCSA. The Committee would then develop a mandatory statewide model policy based on best practices and standards to be implemented by all law enforcement departments and the Department of Public Safety, including a step-by-step procedure to respond to violations of orders of protection. The Committee would also be required to meet annually to review new legislation and/or best practice models from across the nation, to ensure new laws are implemented as intended and to ensure that the nationwide best practices are continually implemented to best protect victims of domestic violence in

Connecticut. The establishment of this Committee will ensure that Connecticut stays at the forefront in the effort to end domestic violence and enhance the safety of domestic violence victims and their families.

Section 1 of Raised Senate Bill No. 1220 requires POST to establish uniform protocols and make such protocols available to law enforcement agencies. The ultimate goal for establishing a mandatory statewide model policy is to ensure that Connecticut is equipped and consistent in responding to incidents of domestic violence. Bringing "domestic violence minds" together for a common purpose will collectively support the development of a model policy as well as the statewide implementation of such policies. Simply stated, inclusion avoids conflict. The OVA respectfully urges the Judiciary Committee to reject Section 1 of the proposal. Certainly POST is one of the key stakeholders in creating Model Policies for Domestic Violence Responsiveness, as stated above, there are other stakeholders, whose knowledge and expertise are invaluable to the creation of a viable and robust policy to combat domestic violence in this state.

Additionally, the OVA strongly opposes Section 4 of Raised Senate Bill No. 1220. Currently, costs imposed by the court for conviction of a felony or misdemeanor crime are directed to the Criminal Injuries Compensation Fund (CICF), pursuant to C.G.S. § 54-215. The CICF is one of the few tools available for crime victims to obtain compensation for counseling, unpaid medical bills, and out of pocket expenses. As proposed, "any criminal penalty assessed", including the above costs, would be redirected to the pretrial family violence education program (FVEP) and taken directly AWAY from crime victims. The funds geared for victim compensation are already scarce as many costs imposed on defendants are remitted or waived by the court. Moreover, eligible defendants are assessed a fee of \$200.00 for participation in the FVEP, unless the defendant is found to be indigent. The OVA recommends that, if there are issues with the costs of the FVEP, then redirect the fees collected for FVEP to the Judicial Department for the benefit of the FVEP rather than the General Fund. Defendants should be paying for their rehabilitation program, not crime victims.

Sections 2 & 3 of Raised Senate Bill No. 1220 require additional training for all judges and prosecutors handling family violence cases. Training specific to domestic violence will assist judges and prosecutors with understanding the complexities of domestic violence and of the need to handle family violence cases differently than other criminal cases. The OVA strongly supports the effort to educate members of the criminal justice community and bring awareness to domestic violence and would request a mandatory requirement that all prosecutors participate in domestic violence training within a six month period from the time this bill passes.

Thank you for consideration of my testimony. While the OVA strongly urges rejection of Section 1 & 4 of Raised Bill No. 1220, the OVA urges support of Sections 2 & 3 of the proposal.

Respectfully submitted,

  
Michelle Cruz, Esq.  
State Victim Advocate