



# 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. 1092, *An Act Concerning the Membership of the DNA Data Bank Oversight Panel***

**Raised House Bill No. 6537, *An Act Concerning Speedy Trials***

**Raised House Bill No. 6538, *An Act Concerning the Collection of Blood and Other Biological Samples for DNA Analysis***

Crime victims in Connecticut have a constitutional right to a timely disposition of the case, as long as no right of the accused is abridged. This constitutional right has been a source of frustration for many victims who feel that their case lingered on and on. A relatively quick search on the Judicial Branch website will show that there are many pending criminal cases, involving only misdemeanor crimes, categorized as 'awaiting plea' or 'pre-trial' status and are two or more years old. These pending criminal cases are docketed each month. This is bogging down the criminal dockets and negatively affecting crime victims and defendants alike.

Raised House Bill No. 6537 seeks to revise the time period and procedure for commencing the trial of an incarcerated defendant charged only with misdemeanor crimes. Although the Office of the Victim Advocate (OVA) supports the effort to reduce the length of time it takes to resolve a criminal matter, the OVA respectfully requests that the Committee consider amending the proposal to allow for an expedited, automatic bail hearing to address the release of the defendant in cases where the defendant had been incarcerated for a period of time longer than the maximum sentence that could be imposed for the misdemeanor. Further, the OVA would request that in addition to the issuance of the non-financial conditions to assure the defendant's appearance in court, the court also consider nonfinancial conditions, if any, to ensure the victim's safety.

It is no secret that the criminal dockets throughout our courts are heavy. That being said, there may very well be legitimate reasons for a lengthy delay, such as an ongoing investigation. Establishing a process for an automatic and expedited hearing will ensure that defendants are not released inadvertently when a prosecutor has a legitimate reason for the delay. I urge the Committee to support Raised House Bill No. 6537 with the recommended amendment.

Regarding Raised House Bill No. 6538, as I understand the current process, a defendant who is convicted of a felony offense must submit to a DNA sample. If the defendant is not sentenced to incarceration, the Court will add a condition to the defendant's sentence, that he or

she must report to the Court Support Services Division (CSSD), of the Judicial Branch, for submission of the DNA sample. This process has recently been updated so that CSSD, rather than the Department of Public Safety (DPS), will take the DNA sample for CSSD is more geographically situated to accommodate offenders. The DPS, as of March 8, 2011, reports that there are 165 outstanding arrest warrants for those who have failed to comply with the DNA requirements. This is a remarkable drop in the number of pending warrants reported by DPS prior to this change.

However, the process for failure or refusal to submit to a DNA sample can be improved further or eliminated all together. Precious resources are being expended by CSSD to coordinate appointments for the taking DNA samples, sending out notifications when a defendant misses an appointment, preparing an arrest warrant for those who continue to be noncompliant and further, prosecuting those who remain noncompliant. Rather, those resources could be better utilized to establish the taking of DNA samples in every court in the state. CSSD is housed in every court and this would substantially improve the process of DNA collection and compliance.

During a plea hearing involving conviction of a felony, the defendant is canvassed by the court on the plea, including the defendant's understanding that he/she will be required to submit to a DNA sample. Once that plea is accepted by the court, the defendant now stands before the court as a convicted felon. This is the ideal opportunity for the court to ensure compliance with the DNA requirement by ordering the defendant to report immediately to CSSD to supply the DNA sample. Those defendants, who fail to do so, can be quickly identified and apprehended. In addition, if the defendant was not sentenced at the same time the plea was accepted, the court has the opportunity to respond to the defendant's noncompliance at the sentencing hearing.

The improvement suggested here would likely save money to the Judicial Branch and ensure, in near real time, that convicted felons are in compliance with the conditions of the sentence. Further, the felon's DNA will be quickly captured and entered into the database. I respectfully request that the Committee consider further strengthening this process and amend Raised House Bill No. 6538.

Finally, the OVA respectfully requests that the Victim Advocate be included on the membership of the DNA Data Bank Oversight Panel, along with the Chief Public Defender as proposed in Raised Senate Bill No. 1092.

Thank you for consideration of my testimony.

Respectfully submitted,



Michelle Cruz, Esq.  
State Victim Advocate