



STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE
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State Victim Advocate

**Testimony of Michelle Cruz, Esq., State Victim Advocate
Submitted to the Appropriations Committee
Tuesday, March 27, 2012**

Good afternoon Senator Harp, Representative Walker and distinguished members of the Appropriations 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:

**Senate Bill No. 379, AN ACT CONCERNING EXPENDITURES OF THE
JUDICIAL DEPARTMENT, THE DIVISION OF CRIMINAL JUSTICE AND THE
PUBLIC DEFENDER SERVICES COMMISSION**

The Office of the Victim Advocate (OVA), for over a decade has advocated for the Office of Victim Services (OVS) to be removed from the Judicial Branch. The OVA strongly believes that there is a significant conflict with the placement of the OVS within the Judicial Branch which hampers the OVS's ability to effectively and meaningfully perform the duties. For example, OVS through its role as administrator of the victim compensation fund is engaged on a daily basis with determining compensation eligibility. OVS in determining eligibility of compensation claims is engaged in the decision making process of whether a crime has been committed, a role traditionally restricted to the finder of fact or rather a judge or a jury. This practice arguably infringes upon the role of the Judicial Branch and, quite possible, could later lead to issues of impartiality. Connecticut is only one of two states, the other being Hawaii, that the victim services advocates are under the auspices of the Judicial Branch of government. Hawaii, however, does not have victim compensation administrated through the Judicial Branch. The majority of states (43 of 50) have their advocates within the prosecutor's office; five are within the State's Attorney General's Office. Further, most states' have an independence victim compensation Commission or Board.

The Judicial Branch has a broad focus of disciplines--juvenile delinquency matters; child protection matters; adult criminal court; family court; civil court; housing court, etc. Further, within each of the disciplines there are additional functions. For example, in the adult criminal court discipline there is then the family relations division; bail commissioner; adult probation; court reporters; victim advocates; judicial marshals; court clerks; and court service centers. As a result, when money is tight, as it has been lately, budget cuts affect programs whose priorities are low.

Senate Bill No. 379 will require the Judicial Branch to review its functions and activities and then further to prioritize those functions and activities. To state it quite frankly, crime victims' rights and services have never been a high priority within the

Judicial Branch. The reality is that there is not and will never be enough money for all of the many disciplines within the Judicial Branch to fully fund. As a result, there is constant competition for resources among the disciplines themselves.

Currently, there are twenty Geographical Area (GA) courts (Part B- less serious crimes); thirteen Judicial District (JD) courts (Part A- more serious crimes); and twelve Juvenile Delinquency courts. There are a **total** of twenty-four (24) victim services advocates to assist crime victims in all of the criminal courts. You should know that the OVS victim services advocates **ONLY** provide services to victims of physical injury. Therefore, a victims of a robbery, home invasion, burglary or arson, who does not suffer a personal injury, is not entitled to an OVS victim services advocate. The OVS contracts with the Connecticut Coalition Against Domestic Violence, through its eighteen member programs, to provide a number of domestic violence victim advocates to assist victims in criminal matters involving domestic violence. However, the OVS victim services advocates cannot manage to provide assistance the number victims in all of the pending criminal cases. This is especially true for the nine advocates that assist victims in **BOTH** the GA courts and the JD courts. I have attached a current listing of the victim service advocate assignments and a summary of the statewide criminal case statistics from fiscal year 7/01/2010 – 6/30/2011.

The Bridgeport GA (14,918 pending cases during fiscal year 2010-2011) court lost the assigned victim services advocate nearly three years ago to a retirement. As a result, the JD victim services advocate was then assigned to handle both the JD and GA courts. Three weeks ago, that victim services advocate position became vacant, now leaving the Bridgeport Judicial District, both the GA and JD courts, without the services of an advocate for victims of crime. The Norwalk GA (7,261 pending cases during fiscal year 2010-2011) court has not had an advocate in more than five years. Of the twelve juvenile delinquency courts, only two are assigned a victim services advocate. The services of the court based victim advocates are vital to the reduction of revictimization of crime victims and imperative for crime victims to receive the tool to successfully navigate the Criminal Justice system.

In 1996, Connecticut residents overwhelmingly supported the passage of the Victims' Rights Amendment to our state Constitution. This amendment guarantees Constitutional rights to crime victims throughout the criminal justice process. Having constitutionally protected rights requires the state to ensure that those rights are enforced and upheld, with the same importance and emphasis that the rights of criminal defendants are afforded. The Judicial Branch is simply not able to be the "voice of crime victims" and advocate for adequate resources. Not only is there a potential conflict, but there are clearly too many disciplines within the Judicial Branch that will undoubtedly cause conflict and a competition for resources.

At one time, there was a committee reviewing the placement of the Office of Victim Services. It is time to revisit this issue and provide the Office of Victim Services with, at minimum, a separate line item expenditure in the budget, to ensure that there are

adequate resources available to assist crime victims in asserting their constitutionally guaranteed rights.

In regards to the expenditures of the Division of Criminal Justice, during the Appropriations Budget hearings, the OVA testified in opposition to the Governor's proposed budget reductions to the Division of Criminal Justice. The OVA's testimony was based largely on the assertions made by the Chief State's Attorney that the proposed reductions would further limit the Division's ability to perform the varying functions within the Division, specifically the functionality of the Cold Case Unit. The Chief State's Attorney testified that the Cold Case Unit, due to the reassignment of staff, was unable to accept any new cold cases for investigation. The Chief State's Attorney, within his own testimony, stated that the Cold Case Unit was a lower priority than staffing the daily dockets and manning the Gun Task Forces. The Unit was created in 1998; in January 2011 the Unit determined that there were approximately 900 unsolved murders statewide since 1980 (of an estimated total of 4,340 murders during the same time). Since 1998, the Unit has successfully solved the cold case murders of 40 victims. According to the Auditors of Public Accounts, the direct costs of operating the Cold Case Unit, as reported by the Division of Criminal Justice for the fiscal years ended June 30, 2009 and 2010 were:

	<u>Fiscal Year Ended June 30,</u>	
	<u>2009</u>	<u>2010</u>
Salaries	\$ 99,105	\$102,196
Facility, Task Force and Other Expenditures	96,549	11,398
Total Expenditures	\$195,654	\$113,594

Salaries were for a supervisory inspector, a part-time analyst, and for a partial allocation of a chief inspector's salary. Facility, task force and other expenditures were for the maintenance of the offsite facility and laboratory kits related to a DNA Cold Case Taskforce, which operated during the fiscal year; ended June 30, 2009. The report further stated, "The successful results being achieved, considering the limited resources allocated are quite remarkable. The Cold Case Unit of the Division of Criminal Justice provides an invaluable service to victims, their families and the residents of the State of Connecticut. It performs this service in a very cost effective manner."

The OVA again urges the Committee to consider the cost and benevolent results of the Cold Case Unit and create a separate line item expenditure within the Division of Criminal Justice to ensure that the voices of the missing and dead are not forever silenced by an ineffective and unfunded Cold Case Unit.

Thank you for consideration of my testimony.

Respectfully submitted,



Michelle Cruz, Esq.
State Victim Advocate

	Advocate assigned in the Judicial District court only
	Advocate assigned in the Geographical Area court only
	Advocate assigned to the central office of the Office of Victim Services
	Advocate assigned to the Board of Pardons and Paroles
	Advocate assigned to BOTH the Judicial District and Geographical Area courts

Beata Bagi, JD Victim Services Advocate New Haven Judicial District	Effie Cotto, GA Victim Services Advocate Superior Court GA 12	Cheryl L. Ferris, JD & GA Victim Services Advocate Litchfield Judicial District
Jeanne Barth JD & GA Victim Services Advocate Middlesex Judicial District	Wesley Chrostowski, GA Victim Services Advocate Superior Court GA 15	Alexandra Gittines, JM Victim Services Advocate Juvenile Matters at Waterbury
Jessie Bekoe, JD & GA Victim Services Advocate Stamford Superior Court	Melissa DeJesus, Central Office Victim Services Advocate Office of Victim Services	Beth Ann Hess, JD & GA Victim Services Advocate New London Judicial District
Koren Butler-Kurth, GA Victim Services Advocate Superior Court GA 13	Robert Eccleston, GA Victim Services Advocate Superior Court GA 14	Mary Kozicki, JD & GA Victim Services Advocate Tolland Judicial District
Danielle Lawton, GA Victim Services Advocate Superior Court GA 4	Barbara Jean Quinn, JD & GA Victim Services Advocate Waterbury Judicial District	Adriana Venegas, JD Victim Services Advocate Hartford Judicial District
Corene Leone, GA Victim Services Advocate Superior Court GA 21	Melissa Renna, GA Victim Services Advocate Superior Court GA 17	Carmen Sierra, BOPP Victim Services Advocate Board of Pardons and Paroles
Keith Wortz, GA Victim Services Advocate Superior Court GA 5	Karen Lucid, GA Victim Services Advocate Superior Court GA 7	Melissa Zavickas, BOPP Victim Services Advocate Board of Pardons and Paroles
Mark Margolis, GA Victim Services Advocate Superior Court GA 23	Erin Spillane-Darcy, JD & GA Victim Services Advocate Superior Court GA 11	Olga Massa, JM Victim Services Advocate Juvenile Matters at Hartford
Kathleen Surette, JD & GA Victim Services Advocate Superior Court GA 22	David W. Pond, JD & GA Victim Services Advocate Superior Court GA 3	Kitt N. Tierney, JD Victim Services Advocate New Britain Judicial District

Criminal Dockets 7/01/2010 – 6/30/2011	Pending Cases July 1, 2010	Added	Disposed	Pending Cases June 30, 2011	Victim Services Advocates
13 Judicial Districts Courts (JD)	4,138	3,233	3,261	4,110	3 (JD only) 9 (JD & GA)
20 Geographical Area Courts (GA)	82,178	114,769	113,519	83,428	10 (GA only) 9 (GA & JD)
Statewide Adult Criminal Courts	86,316	118,002	116,780	87,538	22
12 Juvenile Delinquency Courts	3,684	11,970	12,370	3,284	2
Statewide Total Criminal Courts	90,000	129,972	129,150	90,822	24