



STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE
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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 House Bill No. 5365, An Act Concerning Court Operations and Victim Services (Oppose subsection (d) of Section 28 and Oppose Section 31)

I would like to address two sections of House Bill No. 5365; first, with respect to Section 28. A crime victim may apply to the Office of Victim Services, a Judicial Branch agency, to receive compensation for medical expenses or counseling services that are not otherwise covered by insurance. 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.

The Crime Victim Fund was established by the Victims of Crime Act of 1984 and is administered through the Office for Victims of Crime (OVC), U.S. Department of Justice. VOCA fund dollars are generated from offenders convicted of federal crimes, not from taxpayer dollars. Every state receives VOCA funding to provide financial assistance to crime victims for expenses such as:

- Medical and dental expenses related to the crime, not covered by insurance or when insurance has been exhausted;
- Funeral expenses and burial costs, not to exceed \$5,000;
- Mental health counseling;
- Lost wages or loss of support in cases of homicide; and
- Expenses for crime scene clean up

There are requirements and guidelines that states must follow to receive VOCA funding. Although there is an abundance of freedom for states to design their own criteria for compensation, there is an exception that the state compensation program screening criteria cannot enact discriminatory practices for determining eligibility for compensation. The new language of subsection (d) of Section 28 (lines 916-935) does just that.

The new language of subsection (d) establishes new standards for compensation claims made by sexual assault victims, including a conclusion by the Office of Victim

Services or a victim compensation commissioner that a crime occurred. This elevated standard for claims made by victims of sexual assault is highly offensive. Not only has a sexual assault victim experienced one of the most horrific, violent and traumatic crimes and made a report to police and/or submitted to an invasive rape kit procedure, now, with this change, when applying for compensation to seek counseling services or medical reimbursement not covered by insurance, the sexual assault victim must rely on the Office of Victim Services or a victim compensation commissioner to "reasonably conclude" that a crime occurred. The Office of Victim Services or a victim compensation commissioner is not qualified or trained to make that kind of determination; that is left to law enforcement and the courts.

Equally troubling is that the Office of Victim Services attempts to couch this offensive practice in language that seemingly helps victims of sexual assault, but in reality, it is discriminatory. Why then would the state's lead agency that provides services to victims of crime support this change? As many of you are probably aware, not only are crimes involving a sexual assault one of the most underreported crimes but additionally, even when reported, few rise to the probable cause standard for an arrest and even fewer yield a conviction. The Office of Victim Services has mistakenly interpreted the "lack of sufficient probable cause to make an arrest" as a determination that no crime had been committed. This misinterpretation then leads to a denial of the claim. No other victim of crime that is seeking counseling services or reimbursement for medical expenses not covered by insurance must meet this elevated standard. Therefore, claims for compensation by victims of sexual assault are handled markedly different than claims from all other crime victims—a discriminatory practice. This places Connecticut's VOCA funding at risk.

I strongly urge the Committee to reject the new language of subsection (d) of Section 28 of House Bill No. 5365.

Additionally, the Office of the Victim Advocate opposes Section 31 of House Bill No. 5365. Currently, the Office of Victim Services is entitled to be reimbursed from an applicant for two-thirds of the award paid to the applicant for compensation for personal injury or death when the applicant has brought an action against the person or persons responsible for the injury or death and an award has been granted. Section 31 seeks to expand this entitlement to include "money from any other source or sources."

First let me say so there is no doubt—Crime victims are not getting rich from the victim compensation program. Fortunately there are many kind hearted people among us, in the state of Connecticut and across the nation. We have seen entire communities come together for a number of devastating tragedies. It seems when the worst happens, we pull together to offer our help. Fundraising dinners to help with medical expenses; raffle ticket sales to remodel a home; pass the hat collections for daily needs; and money jar collections in various stores—examples of the ways we contribute to help others without even knowing them.

When the kindness of strangers befalls a crime victim, the crime victim should not be punished or worried to accept that generosity. The fact remains, aside from the emotional, psychological and physical trauma experienced by crime victims as a result of the crime, crime victims, in most cases, will suffer financially far more than what the compensation program can provide. Just ask any crime victim.

The Office of the Victim Advocate is working with the surviving family of a murder victim. The murder occurred in the family home. The family is no longer able to live in the home; the mortgage is not forgiven by murder. A surviving family member was a co-signer on the murdered victim's school loans; loans not forgiven by murder. Oh yes, the surviving family applied for and received compensation to assist with the funeral, \$5,000.00. The funeral cost far exceeded the compensation award. Getting rich? Think again.

The Office of Victim Services (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, pursuant to C.G.S. § 54-212. Rather than holding the crime victim responsible, 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.

I strongly urge the Committee to reject the new language of Section 31 of House Bill No. 5365.

Thank you for consideration of my testimony.

Respectfully submitted,



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