



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
Wednesday, February 20, 2013**

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 the Governor's Budget Proposals.

In 1997, the General Assembly created the Office of the Victim Advocate (OVA) to ensure that the constitutional and statutory rights of crime victims were honored and respected throughout the criminal justice process. One of the most important components of the OVA is its independence. It is only through its independence that the OVA can truly advocate on behalf of crime victims, whether it be within the criminal justice system or through legislative advocacy.

During the 2011 legislative session, the General Assembly passed legislation which dramatically changed the membership of the Advisory Committee to the Office of the Victim Advocate. Why? Simply put, the Advisory Committee misunderstood their primary role to "evaluate the effectiveness of the OVA". Additionally, many of the OVA Advisory Committee members' employment placed them in direct conflict with the OVA's duties and mandates. At that time, the Advisory Committee, whose membership included a prosecutor, a judge, representatives of various victim service providers, a representative of law enforcement, among others, sought to extend their authority and to exact control and power over the OVA, in complete contrast and threatening the OVA's continued independence.

Therefore, to prevent any future issues relating to a conflict between the membership of the Advisory Committee and the mandates of the OVA, the General Assembly changed the makeup of the committee to remove the long standing internal conflict and to limit the role of the committee to provide a list of names to the Governor for a successor as Victim Advocate to the OVA. At the same time, the Governor proposed the consolidation of nine agencies, including the OVA, into one agency, the Office of Governmental Accountability (OGA). The pitch for the newly created OGA was to consolidate the back office support functions of the nine agencies and save money. In fact, the Statement of Need and Program Objectives of the OGA state, "To provide personnel, payroll, affirmative action, administrative and business office functions and information technology to the agency divisions and programs so they may serve their constituents effectively." As a small agency of only three full time employees, including the State Victim Advocate, and one part time employee, the OVA welcomed this consolidation and for the most part, the consolidation of back office support functions has served the OVA very well.

However, as recently as last August, the OVA Advisory Committee once again has expressed a desire to gain oversight and authority over the OVA during one of its Committee meetings (see section III. of the attached minutes). Mike Lawlor, Under Secretary of the Office of Policy and Management (OPM), Criminal Justice Policy and Planning Division and the elected Chair of the newly created Advisory Committee, indicated he would seek or introduce legislation to allow for this oversight. The ability of OPM, or others, to impact the work of the OVA either directly or indirectly, threatens the independence of the OVA and endangers crime victims in their daily struggle for justice.

At the time of the consolidation, there was obviously concern expressed for the continued independence of the "watchdog" agencies; however, the statutory language clearly maintained the independence of each of the agencies. Quite frankly, the Executive Administrator of the OGA does not have the knowledge and experience required to direct the daily functions of the OVA. Nor should he or she. For example, the current Executive Administrator refused to enter into a memorandum of understanding with the OVA to clarify the duties to be provided by the OGA to the OVA, an important step towards governmental accountability, as well as a verbal recommendation of the Auditor of Public Accounts review of the OVA.

The Governor's proposal to merge the individual agency budgets into the central administration of the OGA will once again threaten the independence of the OVA and create additional layers of bureaucracy, seemingly in contrast to the intent of the merger to streamline services and enhance the agency's delivery of services to its constituency.

Historically, the OVA's budget has remained stagnant throughout its fourteen years in operation. Despite its budgetary challenges, the OVA has made, and continues to make, tremendous accomplishments and has provided an invaluable service to hundreds of crime victims throughout the state. I strongly urge the Committee to reject the proposal to merge the agency budgets as it will have negative implications to the fragile population served by the OVA. The OVA serves to advocate for the state's most fragile population, crime victims. The only way to achieve this goal is to continue to protect and defend the OVA's independence from agencies and entities that are threatened by the OVA and its watchdog, whistleblower role in our criminal justice and legal communities. Victims' rights often run in contrast to the initiatives of the Department of Correction, Judicial and OPM, and others. In order for the OVA to continue its vital work, free from undue influence and pressure the budget must remain independent and protected from corruption.

Thank you for consideration of my testimony.

Respectfully submitted,

Michelle Cruz, Esq.
State Victim Advocate

**ADVISORY COMMITTEE TO THE OFFICE OF THE VICTIM ADVOCATE
MINUTES**

FOR

**Wednesday, August 22, 2012 MEETING
Freedom of Information Commission Hearing Room
18-20 Trinity Street, Hartford, Connecticut**

Members Present: Mike Lawlor, Emily Landers, Brenda Jones Barnes & Cathy Malloy

The meeting was called to order at 9:36 a.m. Mike Lawlor discussed the history and mission of Office of the Victim Advocate.

I. Introductions

Members introduced themselves and stated their experience and by whom they were appointed.

II. Election of Chairperson

Brenda Jones Barnes made a motion to nominate Mike Lawlor as Chairman. The motion was seconded by Emily Landers. Mike Lawlor was unanimously elected chair of the Advisory Committee to the Office of Victim Advocate. Mike Lawlor explained that there are a total of seven appointments, and the three remaining appointments have yet to be made by the majority and minority leader of the House of Representatives and the minority leader of the Senate.

III. Discussion of process for preparation and submission to the Governor of a list of candidates for appointment of the Victim Advocate pursuant to Public Act 11-48, Section 68.

Chairman Lawlor discussed the new statute and the process for appointment of the Victim Advocate to a 4 year term. Emily Landers and Cathy Malloy asked if the commission had any supervisory or oversight authority over the Victim Advocate. Chairman Lawlor said it does not, but suggested submitting language to the legislature to rewrite the current statute to allow for more authority and oversight by the Advisory Committee.

IV. Approval of process to develop a list for submission to the Governor

The Committee discussed a process to develop a job description, advertise the position, screen applications and conduct interviews. Martin Anderson, Ph.D, Deputy Commissioner of the Department of Administrative Services, offered the assistance of his office. Martin Anderson then explained the process used to fill the position of the Child Advocate and suggested the Advisory Committee can use that process as a model. Martin Anderson said he would draft a job description and forward it to member for their review and consideration at the next meeting. He introduced Debra Mainville, of Statewide Recruitment Services within the Department of Administrative Services, and indicated she would also assist the committee. David Guay, Executive Director of the Office of Government Accountability indicated that his office would assist the Advisory Committee in this regard.

V. Set future meeting dates

The next meeting will be held the week of September 10, 2012 to review the draft of the job posting and job description. Date, time and place to be determined.

VI. Adjournment

The meeting was adjourned at 10:19 a.m. A motion was made by Emily Landers and seconded by Cathy Malloy.