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**Testimony of Michelle Cruz, State Victim Advocate
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Oversight Hearing on 2008 Criminal Justice Reforms
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Good morning Senator McDonald, Representative Lawlor 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 the 2008 Criminal Justice Reforms.

There are two significant issues that are constant, and affect all proposed improvements to the criminal justice system as well as the success of changes that have already been implemented—1) the budget crisis and 2) the lack of collaboration and coordinated response to gaps in services that is ever present in our criminal justice system.

Every state agency, non-profit, small business, school, town and resident is struggling to live within their budgetary constraints. We are all facing difficult choices that must be made and, as we have seen, those choices affect and have a direct impact on every person, agency and the services provided to the community. However, there are many important measures that can be taken with little or no cost that will have a tremendous impact on the services and safety of those who journey through the criminal justice system.

Additionally, as long as the key players in the criminal justice system continue to work in isolation from one another, our system and its proposed changes will only be temporary and, at best, a band aid with a promise of future problems and gaps in the future. The only solution is a coordinated community response to improve our criminal justice system.

A prime example is the event that occurred over the weekend when we lost yet another victim to domestic violence. On September 4, 2009, Selami Ozdemir was arrested for assault in the second degree, threatening in the second degree and risk of injury to a minor. The Court set his bond at \$50,000 which was eventually posted. A protective order was issued by the Court and he was placed in the family violence education program. Fast forward to this past weekend.

On Saturday, January 16, 2010, the West Haven Police Department responded to a domestic violence incident, and again, Mr. Ozdemir, who I remind you was out on bond, was arrested for disorderly conduct, risk of injury, assault in the third degree and violation of a protective order. His bond was set at \$25,000 (half of the bond amount in September of 2009) and, once again, he subsequently posted the bond. Sadly, Mr. Ozdemir returned again to the home on two occasions, the second, he shot and killed his wife and then himself.

For the record, The Office of the Victim Advocate (OVA) will be conducting an inquiry into the circumstances of this murder/suicide - and depending on the information yielded from that inquiry; the OVA may be seeking an investigation.

Some of the immediate questions that must be answered are:

1. After the second arrest for yet another family violence crime, including a violation of a protective order, why was the bond **LOWER** than the bond for the previous initial family violence arrest?
2. What efforts were made to obtain information from the victim (his wife) regarding his participation in the family violence education program?
3. A protective order was issued after his September 4, 2009 arrest; hence the Court and law enforcement knew, or should have known two things at the very least - 1) there was a viable threat against a named person and 2) Mr. Ozdemir was placed on notice that a violation of the protective order would yield a consequence. Why was Mr. Ozdemir released on a lower bond and what efforts were made to ensure that Mr. Ozdemir complied with the requirement to surrender or transfer all firearms in his possession?
4. What services were made available to his wife and children after his initial arrest? What, if any, safety planning was provided for the victim after the second arrest and why did the police leave the home, knowing a protective order was in place and that the defendant was just arrested, released and reportedly at the home instilling fear in the victim.

I bring this tragedy and these concerns to your attention to emphasize two important points: The first, as many of you are aware, the OVA recently completed an eighteen month long investigation, (The Murder of Jennifer Magnano), in which the OVA made several recommendations to improve the manner in which we respond to incidents of domestic violence. The report was released in November and the OVA continues to work with those agencies and other entities referenced in the report regarding the recommendations, many of which cost little or nothing to implement. Secondly, the release of an offender, who was out on bond for a family violence crime, and then commits yet another crime against the same victim, should not simply be processed through the machinery that is our current system. The factors in this most recent unacceptable domestic violence tragedy cannot and should not be minimized or deemed acceptable because of the lack of state financial resources. Arguably, higher bonds may lead to an increase in the pre-trial incarcerated persons population; however, in the state of Connecticut, the bail statute allows the presiding Judge, and thus equally

law enforcement, to access a high bond in cases where the offender is a threat to the safety of an indetified person. Hence, those offenders deserving of a higher bond due to a subsequent arrest and a violation of a court order, should not be reap the benefits of a state whose concern is with prison overcrowding rather than the safety of our community members. We have to work together in identifying potentially lethal offenders and partake in, what the OVA terms, constant vigilance, in order to keep victims of domestic violence safe. It is a team effort. The police need to know that if they ask for high bond because of safety concerns, the prosecutor will advocate for the bond. Likewise, if the Judge orders a high bond, the Judge should be rest assured that the bondsperson will adhere to the statutory guidelines set regarding an offender's release. It is paramount to the integrity of our system and safety of our citizens that all participants in the criminal justice system promote the integrity of the policies in place and the legislative intent to uphold those policies.

One significant change of the 2008 criminal justice reforms was the overhaul of the Board of Pardons and Paroles. Throughout this past year, I have had the opportunity to work with the victim service advocates within the Board of Pardons and Parole (BOPP) on a number of cases. The addition of the victim advocates has been vital to victim participation at parole hearings and I would like to acknowledge the tremendous contribution they bring to the Board.

On the other hand, I must, once again, express my concern to the addition of subsection (c) of section 13 of Public Act No. 08-01. Victim is defined within the BOPP statutes; therefore the change only serves to potentially limit victim participation at parole hearings by granting the BOPP discretion regarding who could offer statements at a parole hearing. The recognized need and addition of the victim service advocates to the BOPP is contradictory to subsection (c) and its potential negative impact. I urge the committee to revisit this change during the upcoming legislative session.

Although the criminal justice reforms of 2008 include the establishment and implementation of a state-wide automated victim information and notification system (SAVIN), we have seen little progress and a delay in accomplishing this task, largely due to the financial resources available, I suspect. In addition, as I stated in my testimony in 2008, the state has a significant responsibility to its residents to ensure that the money being expended for current programs and services is money well spent. The commitment to establish and implement the SAVIN system is not enough; we need to make the commitment to maximize our investment by providing crime victims and the community with notification that is timely, meaningful, accurate and life saving. The SAVIN system is money well spent.

Moreover, the OVA has seen an increase in the number of crime victims, who at the time of the offense, did not have access to any type of formal notification program in the state. Now, twenty to thirty years later, these offenders are being released from incarceration without victim notification. My hope is that with the implementation of the SAVIN system we will be able to publicly promote the notification program and reach the victims that desire to be notified of the offender's status, even in cases where the

initial incarceration was twenty years ago. In many of these cases, it's a matter of safety and assurance for the victim. Additionally, I envision a statewide campaign to educate the community of the availability of victim notification and registration requirements so that crime victims who choose to be educated as to the status of the offender are provided with the means and understanding of how that is to occur. It is simply not enough to say, the case is twenty years old and we don't know where the victim is. We who work in the system need to say, let's make it known to the community how a victim can register and how he or she can engage in the system.

Further, the Department of Correction, Victim Services Unit (DOC-VSU), one of two notification programs currently operating in the state, has faced devastating staff reductions. The DOC-VSU is the only program that provides pre-conviction **AND** post-conviction notification as well as 24/7 notification to victims. With more than four hundred programs available to inmates during their incarceration, certainly adequately staffing the DOC-VSU is little to ask on behalf of the crime victims, who average yearly an additional 177K new victims to the ranks. For example, during the Thanksgiving holiday weekend a crime victim called the OVA on a Friday at 4pm. Fortunately, I was in the office. She needed information on the status of a recently arrested family violence offender. I was able to make a few calls and then report back to her that the offender was currently incarcerated and provided her with a number to call for a daily update. On that day, there was no coverage in the DOC-VSU. With only one person to tend to the thousands of victims who come through our system in any given year, this is simply not enough.

The OVA knows all too well the impact the budget is having on state agencies and other entities. We are an office of three full-time employees, including myself, and a part-time office assistant. We have lost one full-time position and one-third of our overall budget. Despite the fiscal barriers, the OVA remains committed to ensuring that the rights and services that are available to crime victims are protected. We are deeply concerned about the state of the OVA's budget and our deficit is growing every day. Last I checked we had a 60K deficit and still growing. Connecticut is head and shoulders over other states in the advancement of crime victims' rights by the creation of the OVA. However, I am deeply concerned as to the future of this office in light of the decreased funding and budgetary issues. The OVA is the only agency who can speak for crime victims who are struggling in the system and recommend improvements and advocate for legislation. If you think of crime victims like this, you will see my point. The crime victim's statement to law enforcement regarding the offense(s) launched against them is the foundation of any criminal investigation. The crime victim is the central point for information gathering, such as identification of a perpetrator, the events that transpired the history of the offender and so forth. As such the victim is not a secondary participant whose role is simply to report and warm a chair. Rather, the victim is central to every aspect of the system - from the initial investigation, to the trial to the eventual plea where the victim's perspective is key to developing an appropriate sentence which will serve to deter, rehabilitate and punish the offenders - the cornerstones to the justice system. As long as the resources and support of crime victims and the services provided to crime victims are overlooked or under budgeted, we will continue to struggle with seeking

justice. Only when we support the crime victim can we really begin to cure our community and address crime.

In closing, a doctor would be unwise to not include his/her patient in the diagnosis and treatment of any medical condition, recognizing the patient holds all of the information and is central to the successful treatment of his/her medical condition. Similarly, the criminal justice system, by treating crime victims as invited guests into the system, is not recognizing the value and contribution a crime victim presents, not to mention the benefit to the victim of being involved in the process. No longer should victims hear things such as, "Just the facts Mam;" "I'm not your attorney; I represent the State of CT." As I stated at the beginning, we need to begin to focus on a coordinated community response, which should include the victim, to not only resolve the instant victim's complaint but to also address the wider systemic issues. Victims need to be included in the dialogue and invited to the table when we address issues within the criminal justice community. How do we know the answers to key questions without including victims in the dialogue?

These reforms began with the horrific tragedy in Cheshire, which claimed the lives of Jennifer Hawke-Petit, Haylee and Michalia. In response, we created a more formal BOPP; new crimes of home invasion; revised our persistent offender statutes; and committed to the SAVIN system. I think it is safe to say if Dr. Petit was asked today how he felt about the criminal justice system he would reply that at best he felt like an invited guest and, to some extent, revictimized by the system. As long as there is a fractured relationship with crime victims, the services and protections we provide will remain fractured.

Thank you for considering my testimony. I would be happy to answer any questions you may have.

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