



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY

JOINT COMMITTEE ON JUDICIARY

In opposition to:

H.B. No. 6639 (RAISED):
An Act Concerning Pretrial Diversionary Programs

April 4, 2011

The Division of Criminal Justice would respectfully recommend the Committee's Joint Favorable Substitute Report for H.B. No. 6639, An Act Concerning Pretrial Diversionary Programs. While the Division fully understands and supports the underlying intent of pretrial diversionary programs, we are concerned that these programs may no longer be serving that intent and are, in fact, becoming simply a means for quickly disposing of business. We would respectfully recommend that the Committee consider some form of a comprehensive study to examine these programs and whether they are serving their intended purpose.

With regard to the specific provisions of H.B. No. 6639, the Division would recommend revisions to section 1 (b) of the bill. The original and longstanding intent of the pretrial Accelerated Rehabilitation (AR) program has been to provide an avenue to allow a second chance for those charged with less serious crimes. A key component of this program has always been a finding by the court that the individual is not likely to offend again. Section 1 (b) of the bill would erase these longstanding requirements in total for those granted Youthful Offender status. The bill would eliminate the current prohibition on granting AR to anyone who has been adjudged to a Youthful Offender within the five years prior to applying for AR.

While the Division would not oppose this change, we would recommend the Committee amend the bill to delete the language that would eliminate the ability of the court to make a substantive determination of whether the individual is likely to offend again. The bill would deny the court access to the records of the Youthful Offender case or cases thus prohibiting the court from considering the facts and circumstances of those crimes in considering a subsequent application for AR as an adult. Such Youthful Offender records would contain critical information needed by the court to make the determination of whether the person is likely to offend again and to determine what, if any, conditions should be ordered if AR is granted.

The Division opposes section 1 (c) (4) of the bill, which would extend eligibility for AR to an individual who is eligible for or has previously taken advantage of the pretrial drug



education program under section 54-56i of the general statutes. Diversionary programs should be considered as giving an individual a second chance, and should not become a revolving door.

The Division fully supports the concept behind Section 3 of the bill, that being to address the special needs and problems that can confront veterans. However, we are not convinced that establishing a new program as proposed in Section 3 is necessary, particularly at a time when resources are so hard to come by to fund any new initiatives. There are also practical concerns, such as who would make the required finding that a veteran is suffering from a service-related traumatic brain injury or post-traumatic stress disorder (the bill does not specify how this determination would be made). Rather than establish a new program, a better approach would be to focus on the many diversionary and treatment programs that are already in place and to utilize those programs with a special emphasis on the needs of the veteran. The Veterans Administration (VA) and other state and private sector agencies already provide a wide range of services to veterans. The courts need to better coordinate the disposition of cases with these existing resources to best serve the individual veteran. As such the need may be for additional training for all involved in the system - judges, court support personnel, prosecutors, public defenders and private defense counsel - on the need for more attention on handling cases involving veterans with the specific needs of veterans in mind. The Division would be happy to work with the General Assembly and other agencies to facilitate such training.

In conclusion, the Division thanks the Committee for its attention to these important matters. The Division would be happy to provide any additional information the Committee might require or to answer any questions that you might have.

