State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN OPPOSITION TO:

H.B. NO. 5594: AN ACT CONCERNING DIVERSIONARY PROGRAMS

JOINT COMMITTEE ON JUDICIARY
March 31, 2014

The Division of Criminal Justice opposes H.B. No. 5594, An Act Concerning Diversionary Programs, and would respectfully recommend the Committee take NO ACTION on this bill. The Division would further recommend that the General Assembly initiate a comprehensive evaluation of the host of diversionary programs now in place.

Among other provisions, H.B. No. 5594 would allow an individual to utilize more than one time the Pretrial Accelerated Rehabilitation (AR) program established pursuant to General Statutes Section 54-56e or the school violence prevention program established pursuant to Section 54-56j.

From their outset, pretrial diversionary programs have best been correctly described as giving someone who commits a less serious an offense a second chance. While the Division fully understands and supports this underlying intent of pretrial diversionary programs, we are concerned that these programs may no longer be serving that intent and have become in reality a hodge-podge of good intentions that is used more as a means of quickly disposing of business.

There is no requirement for any of these diversionary programs that defendants admit their guilt or acknowledge in any way that they have committed an offense. A large number of people are routinely referred to programs designed to help rehabilitate them when they deny – sometimes adamantly – that they are in any way in need of rehabilitation. Furthermore, if someone violates the conditions of the program or is found to be unfit and the fact is reported to the prosecutor or court, after many, many months the case can only be restored to the docket as a pending case in which the question of guilt has not been resolved. This is certainly not fair to victims or witnesses.

H.B. No. 5594 does nothing to answer any of the very real questions that exist as to whether these programs are effective and producing measurable positive results. As the Division stated in testimony opposing similar legislation last year, valid questions can be asked whether the preponderance of diversionary programs has resulted in a system where cases that at one time would have been nolled – and rightfully so – are now simply being resolved with a referral to a diversionary program. A comprehensive, independent and

objective study would seem to be in order. The Legislative Program Review and Investigations Committee might be the appropriate body to undertake such an analysis.

While such questions exist as to the effectiveness of diversionary programs, the Division must oppose any attempt to expand eligibility for the existing programs, as H.B. No. 5594 proposes. Further, the Division would question the provisions of the bill that would automatically excuse anyone found eligible for a public defender from paying fees to enter the various diversionary programs. The fact that someone cannot afford to retain an attorney does not mean he or she cannot pay the $35 fee to apply for Accelerated Rehabilitation.

In conclusion, the Division would respectfully recommend the Committee take NO ACTION on H.B. No. 5594. Please allow us to express our appreciation to the Committee for this opportunity to provide input on this matter. We would be happy to provide any additional information the Committee might require or to answer any questions you might have.