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Testimony of Garvin G. Ambrose, Esq., State Victim Advocate
Submitted to the Judiciary Committee
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Good day Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. For the record, my name is Garvin Ambrose and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Raised House Bill No. 5594, *An Act Concerning Diversionary Programs*

The Office of the Victim Advocate (OVA) supports the rehabilitative effort that a diversionary program offers a defendant. There should be a one time opportunity for those individuals that have been arrested for committing a minor, non-violent offense, to divert the criminal matter, complete appropriate programming and ultimately gain a dismissal of the charges. Such opportunities exist in our criminal justice system today.

Having said that, however, the OVA firmly believes that this diversion opportunity should remain a "one time" opportunity. Therefore, the OVA strongly **opposes** many of the provisions of Raised House Bill No. 5594 as it, in part, seeks to expand opportunities for the Pretrial Accelerated Rehabilitation Program (A/R) and the School Violence Prevention Program (SVPP). As proposed in Section 3 of the proposal, an individual that has used the A/R program in the past, will again have the opportunity for diversion, as long as ten years has passed since the dismissal of the charges for the first application. Likewise in Section 6 of the proposal, an individual may apply for the SVPP for a second time, as long as two years has passed since the dismissal of the charges for the first application. Diversion of criminal cases should be limited to "first time offenders" otherwise there is little incentive to truly rehabilitate and maintain a crime free lifestyle. There has to be accountability at some point in the system.

Further, the OVA **opposes** a blanket waiver of all fees, including probation fees, application fees, program fees and evaluation or examination fees, for persons who are determined by the court to be indigent and eligible for representation by a public defender. Indigency for purposes of legal representation is extraordinarily different than indigency from all accountability, which is exactly what Sections 1 and 10 of the proposal appear to do. There would be no motivation for any defendant if granted a diversion program in a criminal matter **and** granted a waiver of all fees associated with the program, including the performance of community service hours, to successfully complete the program. In cases where a defendant

has been determined by the court to be indigent, as defined by C.G.S. § 51-297¹, and the defendant demonstrates his/her inability to pay probation fees, program fees, application fees or other associated fees, the court may require the defendant to perform community service hours in lieu of the payment of fees, a modest and fair compromise. Additionally, the court, in rare circumstances, may find that the defendant's inability to pay is such that the court will waive fees and program costs, without the performance of community service hours. A blanket waiver in all criminal cases where a defendant is represented by a public defender, as is proposed here, is hasty and injudicious.

Finally, diversion programs within the criminal justice system serve to offer defendants a chance at correcting a wrong, while still holding offenders accountable for their behavior. This rehabilitative effort may deter future criminal conduct as well as affords offenders with treatment and other social services that may otherwise go unaddressed. The provisions of Raised House Bill No. 5594 works in contrast to the purpose of rehabilitation, and in fact, may reinforce continued criminal conduct. I strongly urge the Committee to **reject** Raised House Bill No. 5594.

With gratitude,


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¹ "[i]ndigent defendant" means (1) a person who is formally charged with the commission of a crime punishable by imprisonment and who does not have the financial ability at the time of his request for representation to secure competent legal representation and to provide other necessary expenses of legal representation..."