

Auto-Theft Diversionary Program and Recidivism

By: Michelle Kirby, Senior Legislative Attorney
August 14, 2024 | 2024-R-0137

Issue

Provide (1) information on the juvenile auto-theft diversionary program and (2) any available data that shows the program's impact on recidivism.

Summary

The Motor Vehicle Theft or Misuse Services Program is Connecticut's diversionary program designed to address behavior related to motor vehicle delinquency offenses. Under this diversionary program, delinquency proceedings may be suspended for participating juveniles. If the court denies suspension of the delinquency proceedings or the juvenile fails to complete the program, the prosecutor may move forward with the delinquency proceedings.

For purposes of the program, a "delinquency offense involving a motor vehicle" means:

1. operating or using a vehicle, or causing the vehicle to be used or operated, without the owner's consent;
2. 1st or 2nd degree criminal trover (i.e., wrongful taking resulting in damages) when it involves a motor vehicle; and
3. larceny of a motor vehicle ([CGS § 46b-133j\(a\)](#)).

According to the judicial branch, the 12-month recidivism rate for motor vehicle-related offenses is approximately 13%. Meaning, within 12 months of being discharged from the program approximately 13% of the program participants were re-arrested.

Juvenile Auto-Theft Diversionary Program

In Connecticut, the juvenile court has jurisdiction over children accused of committing crimes while under age 18 and at least age 10 ([CGS § 46b-120\(1\)](#)).

The state's juvenile auto-theft diversionary program, established in 2019, generally allows the juvenile court to suspend delinquency proceedings for children who participate in services to address behavior related to a delinquency offense involving a motor vehicle ([PA 19-110](#), codified at [CGS § 46b-133j](#)).

By law, a child is ineligible for this opportunity if he or she (a) was previously granted a suspended prosecution under the program or (b) is charged with a serious juvenile offense (e.g., murder and most class A felonies and certain class B felonies) ([CGS § 46b-133j\(g\)](#)).

Delinquency Proceedings for Motor Vehicle-Related Charges

Among other things, the juvenile auto-theft diversionary program specifically allows:

1. a child charged with delinquency offenses involving a motor vehicle to request a suspension of the delinquency proceedings for up to six months, during which time the child must participate in services to address any condition or behavior directly related to the offense under the supervision of a juvenile probation officer ([CGS § 46b-133j\(b\)-\(c\)](#));
2. the court to grant the request if it finds (a) the child is likely to benefit from supervision and participation in the recommended services and (b) the suspension advances the interests of justice ([CGS § 46b-133j\(b\)](#)); and
3. the court to dismiss the suspended charges, if the child successfully completes the services and complies with any other conditions the court sets ([CGS § 46b-133j\(f\)](#)).

Requesting Program Participation

To enter the diversionary program, the juvenile facing a delinquency offense involving a motor vehicle must enter a motion, within 10 days of entering a plea, requesting consideration for the program. The deadline can be waived in certain situations ([CGS § 46b-133j\(b\)](#)).

If the court denies the motion for suspension of the delinquency proceedings, the prosecutorial official may proceed with the delinquency proceedings ([CGS § 46b-133j\(d\)](#)).

Condition of Eligibility

To be eligible for suspension of prosecution, the child must agree to (1) be assessed to determine whether he or she would benefit from supervision and services, (2) participate in and satisfactorily complete the recommended services, and (3) comply with any court orders ([CGS § 46b-133j\(c\)](#)).

Juvenile Probation Officer's Supervision

Juveniles the court deems eligible for the vehicle theft program are assigned to a juvenile probation officer who monitors their compliance ([CGS § 46b-133j\(c\)](#)). The law requires the probation officer to, no later than one month before the end of the suspension period, submit a report to the court stating whether the youth has completed services and met other requirements and, if not, whether the suspension period should be extended to allow the youth more time to complete the services ([CGS § 46b-133j\(e\)](#)).

Intervention Services. According to the Judicial Branch, intervention services for youth in the auto-theft diversionary program are provided through the Linking Youth to Natural Communities (LYNC) program, the state's center-based program for court-involved youth and their families.

Extension of Suspension Period or Dismissal of Charges

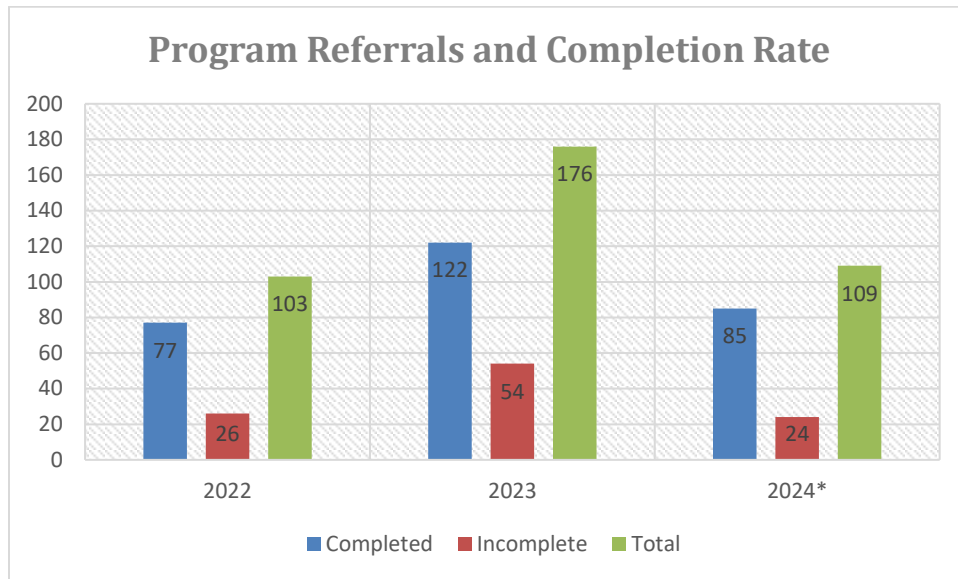
If the court finds that the child has completed the treatment or other services and has complied with all other conditions of suspension of the delinquency proceedings, the court may dismiss the charge. If the court finds otherwise, it may extend the suspension period for up to an additional six months. If the court denies the motion and terminates the suspension of the delinquency proceedings, the case will be prosecuted ([CGS § 46b-133j\(h\)](#)).

Impact on Recidivism

The law requires the judicial branch to, among other things, collect and annually examine certain program-related data (e.g., participants' demographics and treatment and service outcomes) and report the data upon request ([CGS § 46b-133j\(h\)](#)).

Based on information from the judicial branch, from January 2022 through June 2024 suspension of prosecution was granted in 18% of all cases referred to the program. Figure 1 below shows the number of referrals that were granted suspended prosecution under the program during this period and the number of those referrals where the juvenile completed the treatment services.

Figure 1: Program Referrals and Completion Rate



*January 2024 through June 2024

Source: Judicial Branch

According to the judicial branch, the likelihood that a program participant will be re-arrested for an auto-theft related offense is low as, based on data through June 2024, only 12.58% of program participants were re-arrested within 12 months of being discharged from treatment services for auto-theft related offenses.

Additional Resources

- OLR Report [2022-R-0038](#) describes the various diversionary programs and court services that are available to juveniles in Connecticut.
- OLR Report [2023-R-0227](#) summarizes public acts passed in Connecticut from 2019 through 2023 to combat auto break-ins and auto-theft.

MK:co