



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

S.B. NO. 1129 (RAISED) AN ACT ESTABLISHING A PILOT PROGRAM TO IDENTIFY AND TRACK THE HOMELESS, ADDICTED OR MENTALLY ILL PERSONS ENTERING THE JUSTICE SYSTEM AND CONCERNING THE EARNED RISK REDUCTION PROGRAM

JOINT COMMITTEE ON JUDICIARY

April 1, 2015

The Division of Criminal Justice supports S.B. No. 1129, An Act Establishing a Pilot Program to Identify and Track the Homeless, Addicted or Mentally Ill Persons Entering the Justice System and Concerning the Earned Risk Reduction Program, and respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE REPORT. Section 1 of this bill proposes to formalize as a pilot program an initiative already operating at Superior Court, Geographical Area No. 10, in New London, and to expand the initiative to two other court locations and facilitate a formal evaluation of its success.

The pilot project proposed in S.B. No. 1129 is entirely consistent with the Governor's "Second Chance" proposals and the numerous initiatives undertaken by this General Assembly, and the Judiciary Committee in particular, to reduce incarceration and recidivism. Many of these initiatives focus on the "re-entry" into society of offenders once they have been through the court system and incarcerated. The focus of the pilot project in S.B. No. 1129 is on "pre-entry," or rather reaching an appropriate resolution of cases involving low-level, often chronic offenders before the first court appearance.

The fundamental principle behind S.B. No. 1129 goes to the heart of what the historical function of the prosecutor is – to determine who should be charged and with what and whether to charge that person at all. This historical function has been diluted in recent years with the emergence of the wide array of pre-trial diversionary programs that are now in existence. In times past, the offender charged with a low-level crime would appear before the prosecutor, who would agree to ask the court to continue a case on the condition that the defendant get treatment or somehow otherwise address the conduct that led to the arrest. It was further agreed that if the offender was successful the case would either be nolleed or resolved with a recommendation by the state that the court impose a fine or suspended sentence. Nowadays, many of these cases are disposed of by referring the defendant to a diversionary programs.

The underlying issues in these cases often are better dealt with as social issues than criminal conduct since it is the underlying condition that led the person to be arrested. If we can address the underlying issue at the outset, before the case even goes before the court, we can hopefully keep the person from returning to court for the same offense in the future. The pilot program proposed in S.B. No. 1129 provides for screening cases by the State's Attorney to identify those defendants who by referral to appropriate social services will address the underlying issues to prevent their being arrested in the future. This is "pre-entry" intervention as opposed to pretrial diversion after the case has gone into court or post incarceration "re-entry" assistance.

The Division of Criminal Justice in its budget presentation to the Joint Committee on Appropriations has requested additional positions to establish the formal screening mechanism in the three pilot program locations. It is important to note, however, that this is not a new program but rather a refinement and enhancement of the current system. Unlike other jurisdictions, where specialized dockets (i.e., drug courts, community courts, etc.) are established at additional cost of new administration and management this program would operate within the existing court structure.

As previously stated, this initiative is already in place in the Geographical Area courthouse in New London. S.B. No. 1129 not only builds on this initiative, but lays the groundwork for formal assessment of its effectiveness. The Division of Criminal Justice has a commitment from the Center for Court Innovation to undertake the formal evaluation and assessment of the pilot project with a goal of helping to identify "best practices" for dealing with chronic low-level offenders. This commitment, however, is only for the evaluation and assessment; the Center for Court Innovation is not providing any funding whatsoever for the pilot project itself. It is currently envisioned that the findings of the Center for Court Innovation would be the basis for the report that the bill requires be filed with the Judiciary Committee by February 1, 2017.

The Division would respectfully recommend that the Committee amend S.B. No. 1129 to place the responsibility for establishment and operation of this screening program with the Division of Criminal Justice through the Chief State's Attorney. It is our understanding that the Judicial Branch is of the belief that this would be more appropriate than assigning this responsibility to the Chief Court Administrator as per the current language of the bill. This would also be appropriate since it was the Division of Criminal Justice that established the initiative currently operating in New London.

With regard to Section 2 of the bill, the Division of Criminal Justice considers the proposed amendments to the risk reduction credits an appropriate revision that further promotes the protection of the public safety.

In conclusion, the New London initiative has produced promising results that warrant further examination of the feasibility of expanding this effort to other locations and potentially at some point to all Geographical Area courts. The Division would respectfully recommend and request the Committee's JOINT FAVORABLE SUBSTITUTE Report placing responsibility for the program within the Division. We thank the Committee for raising this bill and would be happy to provide any additional information or to answer any questions you might have.