The Division of Criminal Justice expresses its appreciation to the Joint Committee on Appropriations for this opportunity to provide additional information concerning the Governor’s Recommended Budget for the biennium ending June 30, 2021. We also extend appreciation to the Governor and to the Office of Policy and Management for their thorough and careful consideration of the Division’s budget submission. We look forward to working with the Committee as you proceed with your review and examination of the Division’s mission and goals and determination of the resources necessary to assure our continued ability to properly fulfill our constitutionally mandated mission.

The Division of Criminal Justice is an independent, executive branch agency charged under the Connecticut Constitution with the responsibility to investigate and prosecute all criminal matters in the state. The Division is composed of the Office of the Chief State’s Attorney in Rocky Hill, which includes administrative oversight functions for the agency as a whole and specialized legal and prosecutorial units, and the Offices of the State’s Attorneys for each of the 13 Judicial Districts. Like the Chief State’s Attorney, the State’s Attorney is also an independent constitutional officer and chief law enforcement officer for the Judicial District he or she serves. The agency traces its origins to April 1705 and the appointment of the first public prosecutor in what was then Colonial America. The agency today includes nearly 500 employees working in some four dozen locations throughout the state.

With such a long history behind us, the Division readily acknowledges the continued fiscal restraints under which all levels of government must function. We believe that ours is a particularly well-managed agency in that we have always strived to live within our means. In fact, the only time the Division was forced to seek a deficiency appropriation was in one fiscal year in the previous biennium and then only to pay for accumulated leave payouts to retired employees that historically had been paid in full from the state’s general Reserve for Salary Adjustments account and not individual agency budgets.

As a result of this continued fiscal restraint, due largely to budget holdbacks and rescissions, the Division now has approximately seventy vacancies in all areas including administration, investigation and prosecution. Our specialized units have been reduced to skeleton crews. Our
paralegal/information technology personnel. One of these positions would be assigned to the State’s Attorney’s Office in each Judicial District and would be responsible for assisting in the processing of body camera footage. Additionally, these personnel would be responsible for assisting with the implementation of the Division’s new Case Management System (CMS). The General Assembly has invested significant resources in the CMS, which will put in place a state-of-the-art electronic system to collect and share the mass of criminal records, evidence and other information now kept almost exclusively in paper files. This system would be particularly helpful in addressing the issues raised in the Governor’s bill, S.B. No. 880, An Act Concerning Fairness and Transparency in the Criminal Justice System. It goes without saying that without additional IT/support personnel the Division currently simply does not have the capability to collect and organize the data envisioned in the bill. The five IT personnel now serving four dozen locations and nearly 500 employees statewide are already stretched to the limit and their duties do not yet even include the CMS. It is to their credit alone that the Division’s IT operation works as well as it does now.

Innovation such as that envisioned with the implementation of the CMS is one of the reasons the Division has been able to meet its constitutional mission and serve the public and public safety. Another example, and another area where we are seeking additional support, involves the Early Screening and Intervention (ESI) pilot program, which we have described in previous reports to the Appropriations Committee. We are pleased to report this year the very promising results of this pilot program, which was initiated by the Division and encouraged by the General Assembly with the passage of Public Act 17-205. The report required by the public act has been submitted to the Joint Committee on Judiciary and is available on the Division’s website.

ESI is a criminal justice reform initiative built on the fundamental principle that it is the prosecutor who serves as “gatekeeper” to the criminal justice system through the basic process of deciding what to charge, or whether to charge at all. By placing renewed emphasis on this role, cases can be examined at the earliest stages and decisions made as to the best outcome with fewer court appearances and less reliance on diversionary programs or other options. An ESI unit consisting of a prosecutor and resource counselor screens cases and identifies those low-level offenders whose criminal behavior may best be addressed through referral to a community social service agency or other program. The program operates in the Geographical Area (G.A.) courts in Bridgeport, Hartford, New Haven, New London, Norwich and Waterbury. Of those cases referred, two-thirds were diverted to either community-based services or a judicially supervised diversionary program and more than 89 percent of those diversions were completed successfully. Nearly 90 percent of ESI diversions had no more than two appearances before a judge, saving time and, as a result, resources.

The ESI program has been run almost exclusively with grant funding from the Herbert and Nell Singer Foundation and support from the Center for Court Innovation and OPM. The pilot program shows the great promise that this approach offers to both improve the quality of outcomes for the public and the offender while saving the state time and resources in the process. With the grant funding expiring, the Division respectfully requests the Committee’s consideration of additional resources to establish the program on a permanent basis. We estimate the cost at $840,056 (which includes seven prosecutors and seven resource counselors) for fiscal
Early Screening and Intervention (ESI) Program

DIVISION of CRIMINAL JUSTICE

Kevin T. Kane
Chief State's Attorney
February 28, 2019

Current Criminal Justice Process

**Most States:**
Police → Prosecutor initiates any court proceedings

**Connecticut:**
Police → Court Clerk who initiates the process bypassing the prosecutor

This has a number of unintended consequences:
The ESI Initiative

- Spring 2017
  Began in G.A. courts in Bridgeport and Waterbury

- Spring 2018
  In response to P.A. 7-205 and encouraging preliminary results from the first two sites, the program expanded to Hartford, New Haven, New London, and Norwich G.A. courts

- Summer 2018
  Stamford and Norwalk G.A. courts serve as Control Sites

Component One: The ESI Prosecutor

- Screens low-level offenses to determine:
  1. Can the case be prosecuted?
  2. Should the case be prosecuted?

- Police Departments and the diversionary network work with the State's Attorney's Office to provide more accurate, complete, and timely information
  - Arrest Profile
  - Criminal and Personal History
  - Availability of appropriate and effective community services, etc.
Goal of ESI

The ESI Prosecutor and Resource Counselor collaboratively review files to ensure:

1. Cases without service needs are disposed with minimal court involvement
2. Cases presenting underlying needs receive assistance that will reduce future contact with the criminal justice system

How is this different?

- Justice is individualized based upon:
  - The impact of the crime on the community and the victim
  - The nature of the defendant and the underlying charges
  - Services available in the community

- In-depth review at the earliest stages of the court process

- Significantly fewer court appearances

- Locally based real-time accountability
ESI Sites vs. non-ESI Sites

- ES sites have more than *four and a half times* fewer appearances before a judge (compared to control sites)

- ES sites have more than *twice as many* cases result in a dismissal with 95% of those cases receiving ESI diversion services (compared to control sites)

- ESI sites get individuals who need Judicially-Supervised Diversionary Programming into those programs more quickly — often, ready for application at their *first court appearance*
Conclusions

- The ESI Program has demonstrated success and should be supported and expanded.
  
  - The Transition Team for Governor Lamont and Lt. Governor Bysiewicz, through its Prosecutorial Reform Working Group, recommends expansion of the ESI Pilot Program.
  
  - Judicial Branch’s Task Force to Study the Feasibility of Establishing Opioid Intervention Courts recommends expansion of the ESI Pilot Program as an alternative to the creation of opioid courts.
  
  - The State of Connecticut Office of Policy and Management awarded the Division federal Justice Assistance Grant funds to continue the ESI Pilot Program through June 30, 2019.

Thank You

- The Herbert and Nell Singer Foundation Inc.
- Center for Court Innovation
- Office of Policy and Management
- Michael L. Regan, State’s Attorney, New London
- Maureen Platt, State’s Attorney, Waterbury
- Community Partners in Action in Hartford and Waterbury
- Reiance Health in New London and Norwich