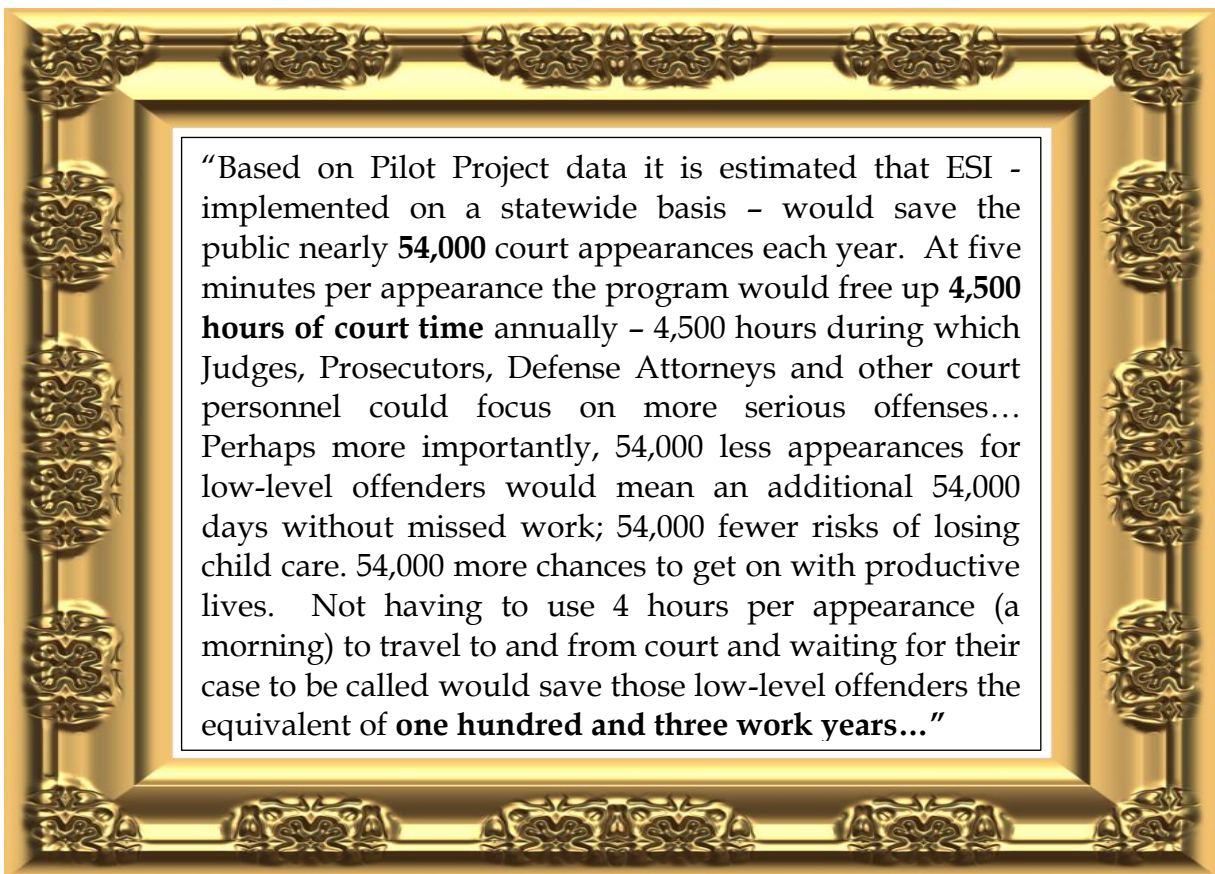


The Early Screening and Intervention Program (ESI) –
The Division of Criminal Justice’s Report to the
Joint Standing Committee on the Judiciary on PA 17-205:

***AN ACT ESTABLISHING A PILOT PROGRAM TO PROVIDE
ENHANCED COMMUNITY SERVICES TO THOSE
IN THE CRIMINAL JUSTICE SYSTEM.***

February 1, 2019

It is traditional in this space to provide a pretty picture – the scales of justice or sunlight reflecting off of the Agency Headquarters’ façade. In keeping with that tradition:



...over a **century** of saved time annually with *increased* referrals to individualized diversion - now *that’s* a pretty picture...



TABLE OF CONTENTS

Executive Summary	i-iv
Introduction.....	1
The Early Screening and Intervention Program.....	3-19
Current Criminal Justice Process.....	3-4
The ESI Initiative	4-6
ESI Rules of Engagement	6-11
Preliminary Results.....	11-19
Overview	11
Demographics.....	11-12
ESI Sites versus Control Sites	12-16
Focus on Cases Involving Substance Abuse.....	17-18
On the Role of Resource Counselors.....	18-19
Conclusions	20-25
Savings: Dollars	20-21
Sense	22-25
Recommendations.....	25-28
Appendix A	
Acknowledgements	
Appendix B	
Sources	
Appendix C	
Center for Court Innovation:	
Analysis of Early Screening and Intervention	
Pilot Multi-Jurisdiction Data	
Appendix D	
Division of Criminal Justice:	
ESI Data Analysis – Control Comparison	

Executive Summary

Section 1 of Public Act 17-205, *AN ACT ESTABLISHING A PILOT PROGRAM TO PROVIDE ENHANCED COMMUNITY SERVICES TO THOSE IN THE CRIMINAL JUSTICE SYSTEM* required the Office of the Chief State's Attorney to establish a pilot program to serve the geographical area courts for Hartford, New Haven, New London and Norwich in identifying and tracking the homeless, addicted or mentally ill persons entering the criminal justice system. No state dollars were appropriated for this purpose.

Current Criminal Justice Process: In Connecticut, the arrest report is transmitted by the police directly to the court and the court clerk automatically creates the court's docket, listing the name of the accused and charges selected by the police officer making the arrest. The system's need to efficiently process the initial stages of a case de-emphasizes the state's attorney's duty to have both the opportunity and the information necessary to properly decide whether or not a prosecution should take place. This reactive process often adds weeks or months to arrive at a suitable and just outcome for both the individual arrested and the public.

The ESI Initiative: Based on a review of first appearances for low level offenders conducted in collaboration with the Center for Court Innovation (CCI), the Division, with private support from the Herbert and Nell Singer Foundation and CCI, began the Early Screening and Intervention (ESI) Pilot Program in GA courts in Bridgeport and Waterbury in mid-2017, utilizing dedicated prosecutors and Resource Counselors to screen low level offenses at the earliest stage in the proceedings to assess for underlying factors contributing to criminal behavior. Encouraged by preliminary results and in response to the Legislative directive of PA 17-205, the Division – with further support from the Singer Foundation – expanded the Pilot Program to Hartford,

New Haven, New London and Norwich GA courts in mid-2018. Stamford and Norwalk GA courts have served as Control Sites since mid-2018.

Component One: The ESI prosecutor. A dedicated prosecutor screens low-level offenses to determine if a case is prosecutable, and, if so, whether it *should* be prosecuted. The ESI prosecutor is responsible for crafting an environment in which police departments and the diversionary network work together to provide the State's Attorney's Office with more accurate, more complete, and more timely information (arrest profile, criminal history, personal history, availability of appropriate and effective community services, etc.) to enable better-informed charging decisions and dispositions for low level offenses in an increasingly efficient manner.

Component Two: The Resource Counselor is a social worker provided under contract with a *local service provider* (Community Partners in Action in Hartford and Waterbury, Cornell Scott Hill Health Center in New Haven, Reliance Health in New London and Norwich, Regional Network of Programs in Bridgeport) – familiar with community service resources and their efficacy - to provide service need assessment for issues such as substance abuse, (including opioid addiction), mental health, personal circumstances including but not limited to homelessness, and, as appropriate, offender interviews, referrals to service, and monitoring providing vital feedback to the prosecutor, enhancing their buy-in and confidence.

The ESI Prosecutor and Resource Counselor collaboratively review files to ensure that cases without service needs are disposed with minimal court involvement, and cases presenting underlying needs receive assistance that will reduce future contact with the criminal justice system.

Preliminary Results (As of November 30, 2018)

- 10,676 cases reviewed by ESI prosecutors for possible intervention
- 3,082 cases flagged for further review – 2,514 accepted

- 1,658 (66% of accepted cases) diverted. 1,376 into ESI community-based services; 282 into existing Judicially-Supervised Diversionary Programming
- 89.1% of ESI diversions were *successfully* completed
- **89.4% of ESI dispositions had 2 or fewer appearances before a judge**

ESI Sites as compared to non-ESI sites:

- ESI sites divert more individuals into ESI community-based services: **over 94% more** than for similarly-situated individuals at control sites
- For individuals with mental health/homelessness/substance abuse issues the ESI benefit is even greater: ESI sites divert **over 450% more** such persons than the control group
- Provide **more** targeted assessment and monitored treatment referrals and do so **more quickly** – with **350% fewer** appearances before a judge
- ESI sites have over **twice as many** cases result in a dismissal with **95%** of those cases receiving ESI diversion services
- ESI sites get individuals who do need Judicially-Supervised Diversionary Programming into those programs more quickly – often having eligible defendants ready for program application at their **first court appearance**

Savings: It is estimated that if the program was expanded statewide ESI prosecutors would annually divert 4,300 more cases than if traditional non-ESI case processing was utilized. Targeted ESI diversion services to defendants would save \$2,274 in ongoing societal costs per defendant for a **first-year savings of over \$9,000,000** (based on Benefits-Costs calculations by the Washington State Institute for Public Policy regarding Restorative Justice Conferences – please see page 21 of the report).

It is also estimated that a statewide ESI program would **save the public 54,000 court appearances** each year, **freeing up 4,500 hours of court time** annually and saving low-level offenders the equivalent of **one hundred and three work years**.

Conclusions: Both the Judicial Branch’s Task Force to Study the Feasibility of Establishing Opioid Intervention Courts and the Prosecutorial Reform Working Group of the Transition Team for Governor-elect Lamont and Lt. Governor-elect Bysiewicz recommended the expansion of the ESI Pilot Program.

The State of Connecticut Office of Policy and Management (OPM), recognizing the promising early results of ESI, awarded the Division federal Justice Assistance Grant (JAG) funds to continue the Early Screening and Intervention Pilot Program in Bridgeport and Waterbury through June 30th, 2019.

Based on observations and data provided within this report the Division of Criminal Justice concurs with the findings of OPM and the recommendations of the Judicial Branch and the Prosecutorial Reform Working Group, Criminal Justice Committee for the Transition Team for Governor-elect Lamont and Lt. Governor-elect Bysiewicz: the ESI program has demonstrated success and should be supported and expanded.

Introduction

Section 1 of Public Act 17-205, *AN ACT ESTABLISHING A PILOT PROGRAM TO PROVIDE ENHANCED COMMUNITY SERVICES TO THOSE IN THE CRIMINAL JUSTICE SYSTEM* required the Office of the Chief State's Attorney to establish a pilot program to serve the geographical area courts for Hartford, New Haven, New London and Norwich in identifying and tracking the homeless, addicted or mentally ill persons entering the criminal justice system. The public act also required the Office of the Chief State's Attorney to submit a report concerning the implementation of the pilot program to the General Assembly's Judiciary Committee by February 1, 2019.

The following excerpt from the public act explains in greater detail:

(b) The office of the state's attorney for each such judicial district shall screen cases in order to identify and track persons arrested who are homeless, drug addicted or mentally ill for intensive assistance, and shall refer such persons to diversion programs, counseling, treatment, housing assistance and reentry programs in an effort to stabilize such person and prevent future arrests of such person, provided the office shall retain the discretion to dispose of any case in any manner, with a focus on alternatives to incarceration and that the court shall maintain jurisdiction over the cases to ensure compliance with any ordered treatment or counseling.

The Division of Criminal Justice (the Division) was uniquely positioned - both philosophically and operationally - to meet the requirements of PA 17-205.

The Division of Criminal Justice is charged with seeking justice. Not with convicting people. *Not* with incarcerating people (18% of Part B cases, historically, have been referred to statutory diversion programs, 40% of the remaining cases receive nolle - prosecutors have *never* viewed incarceration as a goal). *Not* with punishment. Justice.

Early in 2017, the Division asked: What quality of justice do we want in Connecticut?

The Answer: Justice that heals and nurtures communities. Justice that makes people feel safe and secure - not apprehensive or oppressed. Justice that makes people and businesses feel invested - and willing to invest - in their communities.

The Division then asked: What can we do to bring about that quality of justice?

The Answer: Greater investment of resources on low-level cases. Earlier and more complete information on the offenders and the offense. Getting help for people whose real crime is poverty, homelessness, addiction or mental illness. Avoiding unnecessary court appearances and minimizing necessary ones. Reducing the disruption of the lives of victims, of offenders, of communities.

Final question: What program can the Division implement to help ensure justice for low-level offenders?

The Answer, in early 2017 and early 2018, to fulfill both the Division's mission and the requirements of PA 17-205, was the same:

The Early Screening and Intervention Program (ESI)

The Division, with support from The Herbert and Nell Singer Foundation (the Singer Foundation) and in partnership with the Center for Court Innovation (CCI), conducted a review of arraignment and first appearance practices for chronic low-level offenders from June to October 2015.

While this study revealed very promising “grass roots” efforts underway in several geographical area (GA) court locations across the State, it also revealed that prosecutors, *despite being the gatekeepers of the criminal justice system*, often feel they do not have the time, information or process prior to arraignment to conduct a proper, in-depth early review of their cases.

It is a significant concern for prosecutors that lack of information about the facts of the case, the needs of the defendant and the capacity and quality of treatment options impacts their ability to make optimal recommendations to the court.

Current Criminal Justice Process

In Connecticut, unlike most jurisdictions, the police select charges after warrantless arrest and send these charges directly to the clerk’s office.

These charges then appear on a docket – without prosecutors first reviewing the case to determine if it should even come to court and if so, the appropriate charge(s). Under our current system prosecutors simply do not have sufficient time or staff to conduct an early detailed review of cases.

Thus cases involving low level offenses are often brought to arraignment without the opportunity for in-depth scrutiny due to lack of timeliness/completeness of police documentation, access to and understanding

of vetted community services, dedicated prosecutorial resources, and a criminal justice worldview focused on “moving” cases. This leads to a number of issues:

- Cases brought to arraignment (and often subject to a number of continuances) wherein the individual and society would be better served by the recognition and treatment of underlying factors (substance abuse, mental illness, personal circumstances such as homelessness, etc.) prior to immersing the individual in the criminal justice system
- Cases brought to arraignment (and often subject to a number of continuances) that do not meet the standards for prosecution
- Cases that receive nolle without in-depth assessment and monitoring
- Cases trending towards placement in statutory diversion programs that may not be necessary; undue delay in placement in statutory diversion programs that *are* necessary
- Cases requiring prosecution are often subject to many continuances and delay because of the volume of cases in the system – which can result in stale evidence, a strain on victims, increased and unnecessary Failures to Appear and lengthy time spent in pretrial detention for defendants
- Cases requiring prosecution that are often subject to numerous and lengthy continuances
- Cases requiring prosecution but individuals are subject to avoidable pre-trial incarceration
- Cases in which individuals are over-charged
- Cases in which individuals are *under*-charged

Individual lives are disproportionately impacted. Criminal justice costs are unnecessarily high (continuances cost *money* – and clog the system). The result is a very inefficient system that erodes the public’s confidence in our ability to achieve justice fairly, while keeping the public safe.

The public is neither appropriately served nor protected.

The ESI Initiative

Based on the CCI mid-2015 review of first contact/first appearance for low level offenders, and building on de facto procedures utilized in GA #10 in New London, the Division, with private support from the Singer Foundation and CCI began the

Early Screening and Intervention Pilot Program in GA courts in Bridgeport and Waterbury in mid-2017, utilizing dedicated prosecutors and Resource Counselors (usually trained social workers) to screen low level offenses at the earliest stage in the proceedings to assess for underlying factors contributing to criminal behavior. Encouraged by preliminary results and in response to the Legislative directive of PA 17-205, the Division – with further support from the Singer Foundation – expanded the Pilot Program to Hartford, New Haven, New London and Norwich GA courts in mid-2018. Stamford and Norwalk GA courts have served as Control Sites since mid-2018.

On the surface the Program is simple:

Component One: The Early Screening and Intervention (ESI) Prosecutor. A dedicated prosecutor screens low-level offenses to determine if a case is prosecutable, and, if so, whether it *should* be prosecuted. The ESI prosecutor is responsible for crafting an environment in which components of the criminal justice system and the diversionary network work together to provide the State's Attorney's Office with more accurate, more complete, and more timely information (arrest profile, criminal history, personal history, availability of appropriate and effective community services, etc.) to enable better-informed charging decisions leading to optimal case outcomes for low level offenses in an increasingly efficient manner. The extra time available to acquire information and review a case allows the ESI Prosecutor to determine if society benefits from current, continuing, and possible future offender contact with the criminal justice system or is better served by weak cases being quickly nolledd (allowing for greater focus on more serious cases) and cases involving offenders with underlying issues receiving assessment and appropriate services.

Early Screening and Intervention (ESI) prosecutors work with local communities to identify concerns, police departments, public defenders, judicial personnel and a network of state and community providers to provide the State's Attorney's

Office with more accurate, timely and complete information and, of critical importance, the second formal component of ESI: the Resource Counselor.

Component Two: The Resource Counselor is a social worker provided under contract with a *local service provider* (money funding their services goes back into the community) – familiar with community service resources and their efficacy - to provide service need assessment for issues such as substance abuse, (including opioid addiction), mental health, personal circumstances including but not limited to homelessness, and, as appropriate, offender interviews, referrals to service, and monitoring providing vital feedback to the prosecutor, enhancing their buy-in and confidence. The Resource Counselor fills a unique, fine-tuned niche: providing a relatable interface to the offender while serving the interests of the public.

While The Program is simple in concept, the results are potentially profound: The ESI Prosecutor and Resource Counselor collaboratively review files to ensure that cases with true criminal intent are prosecuted, cases without service needs are disposed with minimal court involvement, and cases presenting underlying needs receive assistance that will reduce future contact with the criminal justice system.

Why is this approach different? The project is not focused on the prosecutor achieving a specific outcome as a goal. It does not seek to increase diversion, increase convictions, or “move” cases for the sake of moving them. Rather it seeks to provide comprehensive timely information to prosecutors so that they may – *much earlier in the court process* - make informed decisions as to the course of action that best serves the needs of the community.

ESI Rules of Engagement

The Division strongly believes that individualized justice – both at the individual offender and community level – is crucial to the success of the initiative. Due to that belief the Division left many program particulars up to

each GA, feeling that each community had the best grasp of how a particular individual's offenses impacted that community (low level drug offenses might be looked upon differently in urban versus rural jurisdictions, prostitution might be more of a neighborhood quality of life issue in one locale than another, etc.) Thus the Division – beyond excluding domestic violence, sexual assault, and motor vehicle offenses – did not dictate what types of offenses might qualify for ESI.

While the initial thought was to preclude any “violent” offense, it soon became clear that certain neighbor on neighbor or minor barroom fisticuffs might well be perfect instances of where ESI intervention/mediation might be extremely effective

While certain types of offenses were found to be consistently prevalent in each location (theft, breach of peace, drug-related) there were some notable differences in ESI emphasis – Norwich and New London had more trespassing/criminal mischief offenses than other GA courts while Waterbury found that while there weren't more prostitution offenses than in other large urban jurisdictions the *community* was more concerned about their impact.

Local flexibility and extra time to look at an offender both made a difference in a Bridgeport case: A man was stopped for a minor traffic offense. He had a turban and a beard...and a sword on his front seat. He was cited for a weapons felony offense. The ESI prosecutor, deciding to undertake a closer review of a case with a minor beginning, thought something didn't add up.

It didn't.

The gentleman was a Sikh wedding officiant and the sword was part of the ceremony. Rather than disrupting this individual's life with a formal charge (and many continuances) the problem was solved with a simple:

“keep the sword in the trunk.”

The charge was nolleed on the first court date.

So, as opposed to standard non-ESI case processing, there was no need for:

- Public Defender application
- Public Defender appointment
- Application for Accelerated Rehabilitation (which would require a *minimum* of two additional court appearances)
- Court Support Services Division (CSSD) review
- One year of Probation review (*minimum* of six additional court appearances)

This list, adapted from the Hartford Community Court, shows, in concept, the most basic parameters for Early Screening and Intervention cases. ESI sites, with restrictions cited above, are free to develop eligibility rules that reflect local crime patterns and concerns...

- Possession < 1 oz of cannabis (CGS § 21a-279a(a)(1);
- Drug Paraphernalia (CGS § 21a-267(a);
- Patronizing a Prostitute (CGS § 53a-83);
- Prostitution (CGS § 53a-82);
- Public Indecency (CGS § 53a-186);
- Interfering with an Officer (CGS § 53a-167a);
- Criminal Impersonation (CGS § 53a-130);
- Larceny in the Fifth Degree and Sixth Degrees (CGS § 53a-125a and CGS § 53a-125b);
- Shoplifting Device (CGS § 53a-127f);
- Criminal Trespass in the First, Second and Third Degree (CGS § 53a-107, CGS § 53a-108 and CGS § 53a-109);
- Criminal Mischief in the Second and Third Degrees (CGS § 53a-116 and CGS § 53a-117);
- Breach of peace in the Second (NON-DOMESTIC RELATED) (CGS § 53a-181);
- Harassment (NON-DOMESTIC RELATED) (CGS § 53a-183);
- Threatening in the Second Degree (NON-DOMESTIC RELATED) (CGS § 53a-62);
- Disorderly Conduct (NON-DOMESTIC RELATED) (CGS § 53a-182);
- Gambling (CGS § 53-278b(a));
- Littering (CGS § 22a-250);
- Minor Possession of Liquor (CGS § 30-89(b)(2);
- Illegal Liquor Purchase (CGS § 30-89(a));
- Illegal Alcohol Sale (CGS § 30-74(b));
- Liquor Control Act (CGS § 30-113);
- Drinking While Operating a Motor Vehicle (CGS § 53a-213);
- Permit to be Hung in Plain View (CGS § 30-54);
- Disposing of Liquor without Permit (CGS § 30-77);
- Sales to Minors, Intoxicated Persons and Drunkards (CGS § 30-86);
- Misrepresentation of Age to Procure Liquor (use of fake id) (CGS § 30-88a);
- Minors Loitering on Private Premises (CGS § 30-90);
- Hours of Operation (CGS § 30-91);
- Bottle Clubs (CGS § 30-100);
- Cruelty to Animals (CGS § 53-247(a));
- Dogs Roaming at Large (CGS § 22-364);
- Animal Nuisance (CGS § 22-363);
- Unlicensed Dog (CGS § 22-349);
- Illegal Possession of Fireworks (CGS § 29-357(a));
- Sale or Brandishing of Fake Firearms (CGS § 53-206c);
- Ticket Scalping (CGS § 53-289);
- Manufacture, Sale or Distribution of Records, Tape Cassettes or Discs W/0 ID Marks Prohibited (CGS § 53-142c);
- Loitering on School Property (CGS § 53a-185);
- Smoking on School Property (CGS § 19a-342(b));
- Sale of Tobacco to Minors under Eighteen (CGS § 53-344(b).

The Division also strongly encouraged ESI prosecutors to engage with local police departments to facilitate information flow and to assure that the ESI program in no way intended to shed doubt on the validity of warrantless arrests; to community groups to identify local concerns, issues and standards; to internal partners such as defense attorneys (ESI does not preclude or undermine the important role of the Public Defenders – ESI offenders are welcome to engage a private attorney or Public Defender at any time), Bail, the Clerks’ Office, etc. to explain the goals and needs of the program.

One other pan-programmatic dictate was made to ESI sites: the use of Procedural Justice.

“Procedural justice is based on four central principles: "treating people with dignity and respect, giving citizens 'voice' during encounters, being neutral in decision making, and conveying trustworthy motives." Research demonstrates that these principles contribute

to relationships between authorities and the community in which 1) the community has trust and confidence in criminal justice practitioners as honest, unbiased, benevolent, and lawful; 2) the community feels obligated to follow the law and the dictates of legal authorities, and 3) the community feels that it shares a common set of interests and values with the criminal justice system.” – adapted from the National Initiative for Building Community Trust & Justice

It is important to note that while – prior to program inception – concerns were voiced as to prosecutors using statements made to them or to the Resource Counselors against offenders. After 17 months the ESI program has received 0 complaints from the defense bar.

Zero.

It has also been substantiated that when the precepts of Procedural Justice have been followed individuals are much more likely to be satisfied and compliant with their case disposition, regardless of whether or not that disposition was *favorable to them*. As ESI is dedicated to identifying underlying causes of criminal behavior and seeking interventions that are potentially long

term in their effect, satisfaction and compliance with criminal justice case resolution is of paramount importance.

Preliminary Results

Overview

As of November 30, 2018:

- 10,676 cases have been reviewed by ESI prosecutors for possible intervention
- 3,082 cases flagged for further review
- 2,514 cases accepted -- 1,658 (66% of all accepted cases) diverted. 1,376 into ESI community-based services; 282 into existing Judicially-Supervised Programming (please note that early in the program Bridgeport did not record diversion counts – the 66% reflects the percentage of accepted cases where a yes/no entry was made for diversion)
- 89.1% of ESI diversions (completed – some are still in progress) were *successfully* completed
- There were 540 dismissals; of those 540 dismissals 513 [95%] were diverted – a case meriting dismissal did *not* mean that the individual in question was churned through the system without attempted intervention)
- **89.4% of all dispositions were achieved with 2 or fewer appearances before a judge**

Demographics

Please see Table 1 below for demographics of accepted cases.

Table 1. Defendant Demographics.

Site	Bridgeport	Waterbury	Norwich	New London	Hartford	New Haven
Gender						
Male	896 (56%)	552 (62%)	120 (59%)	83 (46%)	89 (75%)	44 (57%)
Female	690 (43%)	338 (38%)	79 (39%)	95 (53%)	27 (23%)	33 (43%)
Transgender	3 (<1%)	2 (<1%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Unknown	25 (2%)	0 (0%)	4 (2%)	1 (<1%)	3 (2%)	0 (0%)
Race/Ethnicity						
Black	545 (34%)	198 (22%)	39 (19%)	10 (6%)	30 (25%)	23 (30%)
Latino/a	217 (13%)	237 (27%)	20 (10%)	1 (<1%)	35 (29%)	0 (0%)
White	781 (48%)	442 (50%)	127 (63%)	93 (52%)	45 (38%)	53 (69%)
Other	30 (2%)	6 (<1%)	9 (4%)	12 (7%)	5 (4%)	0 (0%)
Unknown	41 (3%)	9 (1%)	8 (4%)	63 (35%)	4 (3%)	1 (1%)
Age at Arrest						
<18	6 (<1%)	1 (<1%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
18-20	227 (14%)	97 (11%)	13 (6%)	30 (17%)	11 (9%)	5 (7%)
21-24	224 (14%)	128 (14%)	21 (10%)	19 (11%)	9 (8%)	8 (10%)
25-29	251 (16%)	157 (18%)	31 (15%)	24 (13%)	13 (11%)	13 (17%)
30-39	395 (25%)	234 (26%)	54 (27%)	47 (26%)	26 (22%)	21 (27%)
40-49	190 (12%)	133 (15%)	22 (11%)	13 (7%)	27 (23%)	15 (20%)
50-59	187 (12%)	72 (8%)	30 (15%)	17 (10%)	8 (7%)	8 (10%)
60-69	57 (4%)	32 (4%)	12 (6%)	5 (3%)	8 (7%)	5 (7%)
70+	21 (1%)	2 (<1%)	4 (2%)	1 (<1%)	3 (3%)	1 (1%)
Unknown	56 (4%)	36 (4%)	16 (8%)	23 (13%)	14 (12%)	1 (1%)
Other Defendant Characteristics						
Language barrier	97 (6%)	20 (2%)	7 (3%)	3 (2%)	3 (3%)	6 (8%)
Criminal record	492 (31%)	318 (36%)	101 (50%)	49 (27%)	50 (42%)	29 (38%)

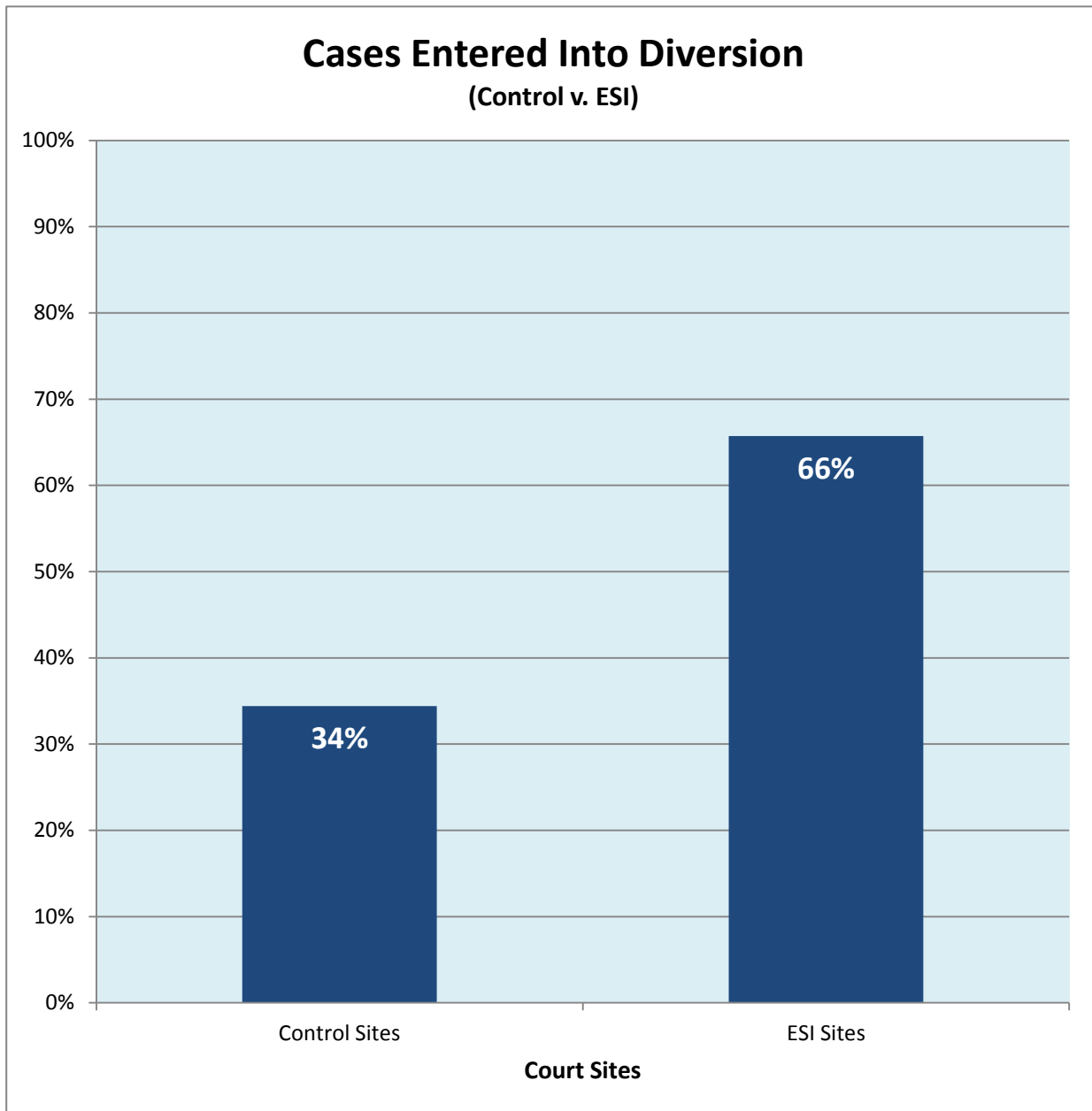
Adapted from the Center for Court Innovation's Analysis of Early Screening Initiative Pilot Multi-Jurisdiction Data, January 8, 2019

Comparison: ESI Sites versus Control Sites

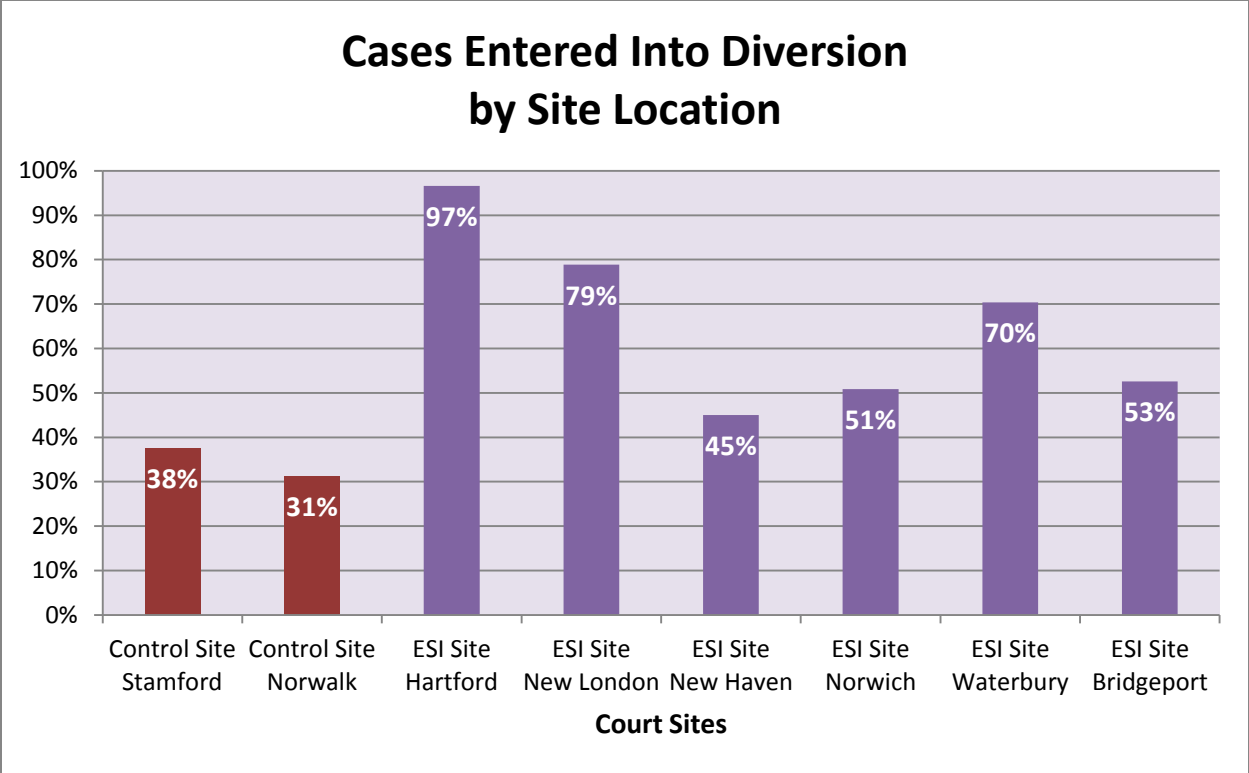
Beginning in mid-2018, the Division utilized the geographical area courts of Stamford (GA1) and Norwalk (GA20) as Control Sites. The Control Sites developed their own parameters for ESI-eligible cases and tracked some basic

data categories: number of formal appearances before a judge, case disposition, and whether or not a case was diverted. The positive effects of ESI are clear:

■ **94% more ESI Site cases entered diversion**

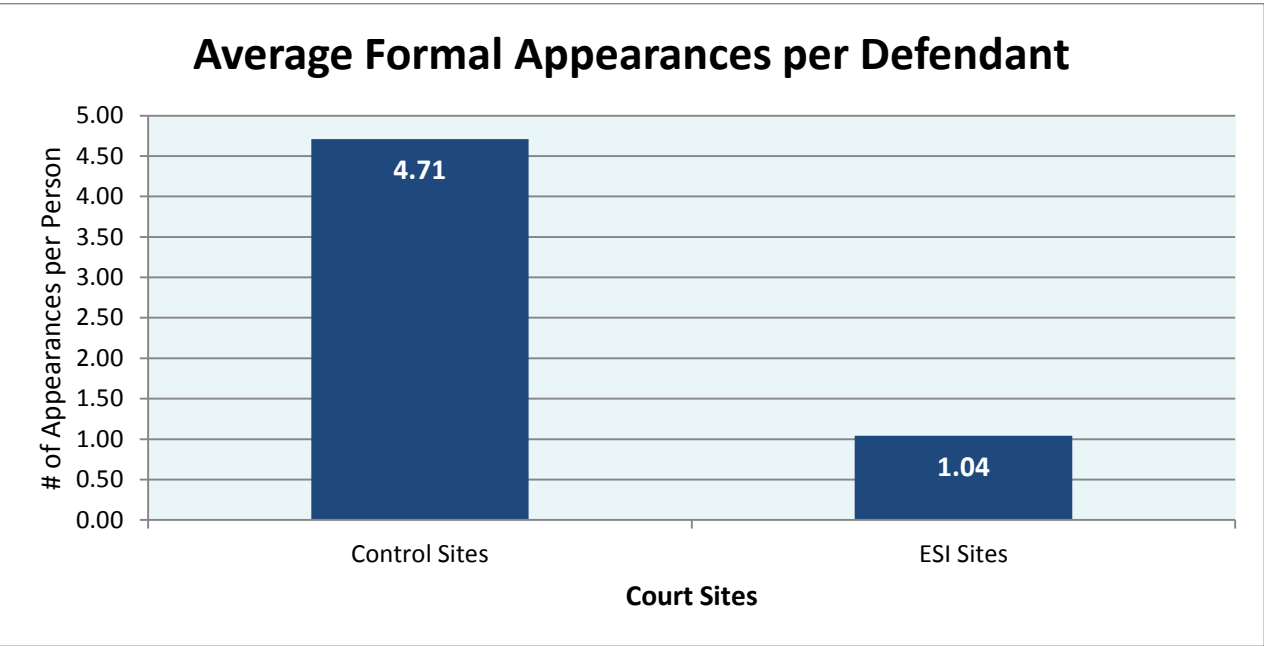


Division of Criminal Justice data – Bailey Mulqueen

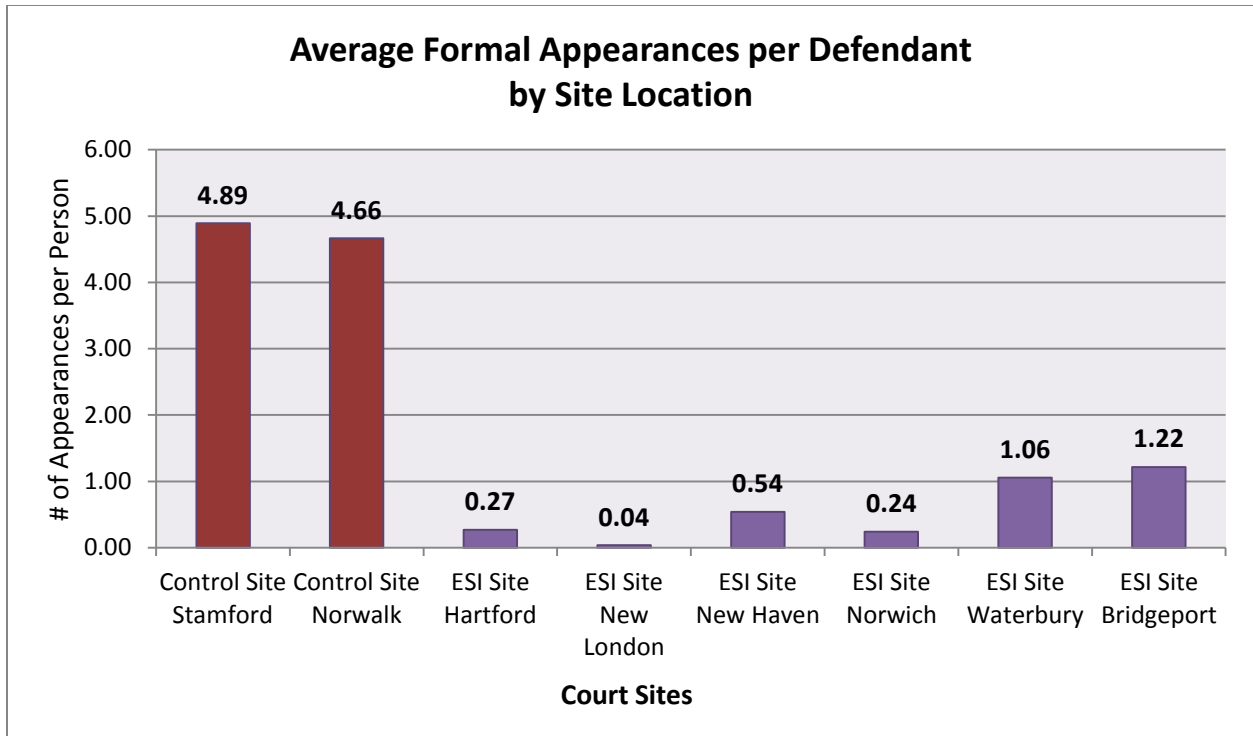


Division of Criminal Justice data – Bailey Mulqueen

- Control Site defendants had over **four and a half times** as many formal court appearances as ESI Site defendants



Division of Criminal Justice data – Bailey Mulqueen



Division of Criminal Justice data – Bailey Mulqueen

Unnecessary court appearances for low level offenses waste court personnel time and detract from focus on more serious offenses. Such appearances significantly impact defendants, placing stress on employment, child care, and more. While many ESI cases (78%) require off-the-formal-record appearances for assessment, mediation, follow-up, etc., these appearances are both productive and *scheduled so as not to adversely impact offender lives*.

- Over twice as many ESI cases resulted in a dismissal (please recall that 95% of ESI dismissed cases *still receive diversion*) while over 46% fewer receive nolle

After **four and a half times as many court appearances** and having received **significantly fewer diversion opportunities**, nearly twice as many non-ESI-involved defendants have their cases nolle anyway.

Please note that nolles do not exist in a vacuum – more or fewer nolles in and of themselves are not indicative of program success. Nolles sooner for cases that require no further prosecution or simple referrals are better than the same nolles four or five needless continuances later. But sometimes a cursory review of a case leading to a quick remove-the-case-from -the-criminal-justice-system nolle does not serve justice that heals and nurtures individuals and communities:

A New Haven case file concerned a larceny 6 – often called “petty theft” or “petty larceny.” The individual – a young man – had no prior record. A typical, non-ESI handling of this case would have been a “stay out of trouble” lecture, possibly restitution and a quick nolle.

But the ESI prosecutor, during an informal interview, found out that the individual was recently estranged from his parents, had dropped out, dropped off the map, and was hanging out with acquaintances and doing crack with them.

The “petty larceny” was to fund the drug purchases.

Rather than a fast out-the-door nolle, this individual was referred to and accepted drug treatment and psychological counseling, with the hope of reconciliation and reintegration into his former community.

All because a dedicated ESI prosecutor had that extra bit of time to look into the underlying factors of the offense. And of the offender.

ESI Sites achieve better results than non-ESI sites because dedicated ESI prosecutors and Resource Counselors have more information, more timely information, and, crucially, more *time*.

Focus on Cases Involving Substance Abuse,
Mental Health, and Homelessness -- Diversion

884 of the 3,084 ESI site “accepted” cases (28.7%) were flagged for substance abuse and/or mental health and/or homelessness issues (totals for Bridgeport were estimated based on diversion referral types - Bridgeport was not required to flag for these descriptors under the terms of the original Singer Grant). Of that 884, 682, or **77.1% received diversion referrals targeted to those flags.**

The breakdown by category:

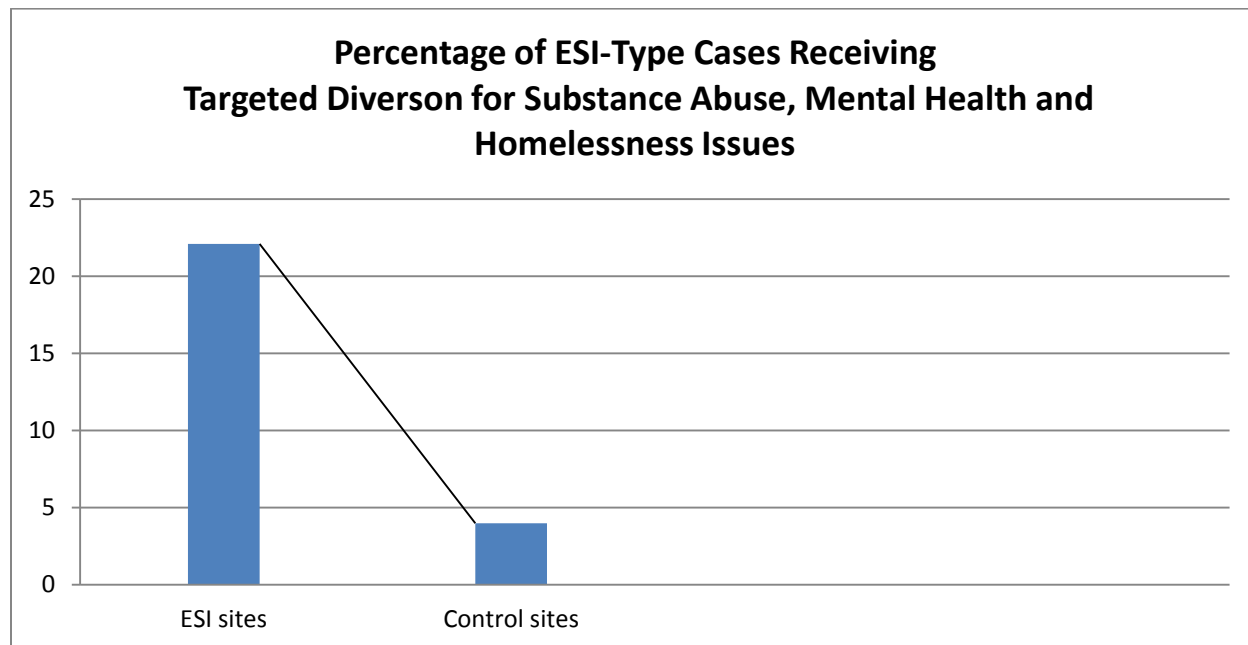
Of the 3,084 ESI-accepted cases, 582 (18.9%) were initially flagged as involving substance abuse issues. 426 of those cases were diverted to substance abuse services (412 for community-based services and 14 for Statutory Diversion programs). Thus **73% of substance abuse issue cases were diverted into relevant programming.**

Similarly, 242 (7.8%) ESI-accepted cases were flagged for mental health issues, with 226 (130 community-based and 90 for Judicially-Supervised diversion) diverted to mental health services. **93.4% of mental health issue cases were referred to targeted programs.**

60 ESI-accepted cases were flagged for homelessness issues. 45% of homelessness-impacted cases – 30 in total - were referred for housing services. All of them community-based.

Overall, 22.1% of *all* ESI-accepted cases were diverted into substance abuse, mental health, and homelessness programs.

In contrast, at control sites, without benefit of a dedicated ESI prosecutor or any Resource Counselor services, **only 4%** of cases similar to ESI-accepted received substance abuse, mental health, and homelessness program referral.



On the Role of Resource Counselors

Virtually 100% of cases accepted for ESI are referred to the Resource Counselor for assessment, mediation, and, as appropriate, linkage to or placement with community service providers. This evaluation provides a unique opportunity for individualized justice: the Resource Counselor assesses the needs of the individual and advises the ESI prosecutor as to how local services can be used to create a disposition that is tailored not only to the individual but to the needs and priorities of the community in which they reside. Resource Counselors monitor all treatment and service referrals for compliance and efficacy, providing ESI prosecutors with invaluable information informing not only the success of a particular case's disposition but the handling of future cases as well.

Excerpts from ESI Cases (Resource Counselor Notes):

- Charges: Prostitution, Larceny 6, Failure to Appear, etc. Outcome: substance abuse, housing and employment; Defendant made significant growth and has utilized positive copings skills to meet her goal. Her progress summary reflects positive engagement in treatment since admission in October, negative urine tests, compliant with treatment weekly. Defendant also was able to secure part time employment.
- Charges: Criminal Trespass, Breach of Peace. Outcome: housing, medication and substance abuse. Per defendant's DMHAS worker: He is doing the best that she has ever seen. Updates have reflected that Defendant has made significant growth in meeting his needs and voicing his desire. Defendant has secured housing, has looked at options to engage in community volunteering, has met with treatment providers regularly and is currently looking for part time employment. Defendant appears pleased with his growth since the summer and does genuinely show an interest in helping others.
- Charge: Breach of Peace 2 - it was alleged that defendant put hands on a customer ahead of him in line at Stop & Shop because she was too slow for his liking. Outcome: Resource Counselor spoke with Defendant and suggested anger management, and Defendant was initially resistant. Ultimately, Defendant did complete anger management and stated "the treatment made me see some things in myself which I was previously unable to acknowledge. I am very grateful to you for forcing me to open my eyes."

Conclusions

ESI Sites, as compared to non-ESI sites:

- ESI sites divert more individuals into ESI community-based services: **over 94% more** than for similarly-situated individuals at control sites
- For individuals with mental health/homelessness/substance abuse issues the ESI benefit is even greater: ESI sites divert **over 450% more** such persons than the control group
- Provide **more** targeted assessment and monitored treatment referrals and do so **more quickly** – with **350% fewer** appearances before a judge
- ESI sites have over **twice as many** cases result in a dismissal with **95%** of those cases receiving ESI diversion services
- Get individuals who do need Judicially-Supervised Diversionary Programs (Accelerated Rehabilitation, Drug Education Program, etc.) into those programs more quickly – often having eligible defendants ready for program application at their **first court appearance**
- Have the time and resources to re-humanize the criminal justice process

Savings: Dollars and Sense

(Please note that the Division recognizes that a reduction in recidivism is a crucial measure but time and financial resources do not at this time allow for a recidivism study. The Division would welcome an opportunity to conduct such a study).

Dollars:

ESI-eligible offenses, by and large, are not ones that result in a significant number of pre-trial or post-conviction incarcerations – scenarios that most readily provide for straightforward cost/benefit analyses. Dollar savings would eventuate from using review, assessment, referral and monitoring to reorient,

redirect and repurpose lives that might otherwise – on a short or long, sometimes life-long basis – continue to present themselves to the criminal justice system. Reducing the need for expensive programming and CSSD-sponsored intervention in low-level offenses where local, focused monitoring and treatment is more appropriate will clearly generate savings.

Such savings are difficult to quantify but in an attempt to provide some fiscal context, the Division suggests that Benefits-Costs calculations promulgated by the Washington State Institute for Public Policy (the Institute) in regard to Restorative Justice Conferencing may shed some light.

These Restorative Justice Conferences involved mediation between convicted offenders and victims with the intent of internalizing the harm that crime causes communities and the value of modifying an offender's life path to avoid future occurrences. The Division proffers the notion that ESI assessment and referral to diversion services offers defendants a similar if not greater opportunity for such internal reflection and behavioral correction.

The Institute – using 2017 dollars – calculated the life cycle benefits of their program to be **\$2,274 per individual**, said calculation including reduced crime victimization, an offender more likely to successfully enter/stay in the workforce, etc.

It is estimated that the ESI program – if expanded statewide – would annually divert at least 9,000 cases per year, or **4,300 more** than if traditional non-ESI case processing was utilized.

4,300 more individuals generating \$2,274 in community/individual life cycle benefits due to targeted diversion services equals **a first-year savings of \$9,778,200.**

Sense:

The Initiative, expanded to every Geographical Area Court statewide, could, on an annual basis, review over 54,000 cases, accept over 14,700, divert more than 9,000 and bring *over 8,000 cases to disposition with **2 or fewer appearances before a judge.*** Nine thousand diversions is **over 4,000 more** than non-ESI case processing would be expected to produce. **Over 4,000** instances where contact with the criminal justice system has the potential for a *positive* impact on defendant lives.

Based on Pilot Project data it is estimated that ESI - implemented on a statewide basis - would save the public nearly **54,000** court appearances each year. At five minutes per appearance the program would free up **4,500 hours of court time** annually - 4,500 hours during which Judges, Prosecutors, Defense Attorneys and other court personnel could focus on more serious offenses. Savings such court time might prove especially valuable should some courts be consolidated.

Perhaps more importantly, 54,000 less appearances for low-level offenders would mean an additional 54,000 days without missed work; 54,000 fewer risks of losing child care. 54,000 more chances to get on with productive lives. Not having to use 4 hours per appearance (a morning) to travel to and from court and waiting for their case to be called would save those low-level offenders the equivalent of **one hundred and three work years...**

“Sense” Scenarios:

Scenario One:

A WalVS Super Drug Store opened six months ago in the heart of an inner city Connecticut neighborhood. A representative was sent to gather information for a snapshot progress report to Company Headquarters:

....7 pm on Friday...storefront was immaculate...store was crowded – customers were of diverse ages and gender and races – but there was more than sufficient help and lines were short...spoke to the Manager on duty who said that it’s been busy since they opened the doors and that people are always requesting job applications...Manager further said that she’d heard that someone was thinking of opening up a coffee shop nearby to take advantage of the foot traffic...review of ledgers show solid performance compared to similar stores and minimal shrinkage...most customer comments include sentiments such as “love the selection,” “so clean and bright,” “wonderful that this is here in the neighborhood and I don’t have to take a bus to get my prescriptions.” My initial reaction is that this is a good business and public relations decision for the Company and that the Company should give serious consideration to similar endeavors in other inner city locations....

Scenario Two:

A RiteRex Ultra Pharmacy opened six months ago in the center of an urban Connecticut community. The parent company hired a management consultant to conduct a site visit and file their impressions:

...7 pm on Friday...storefront somewhat distressed – graffiti on wall, one window partially covered in cardboard...a disheveled man was sitting in the vestibule – the store Manager on duty said that they have called the police numerous times to ask him to leave....crowd relatively sparse for a Friday night but there was still a longish line to checkout...Manager says they always have a “Now Hiring” sign in the window but doesn’t get a lot of response...review of financials show store is a low performer vs. comparables and shoplifting/internal shrinkage is a significant impact to the bottom line...customers seemed wary at my approach for their impressions...responses included “I’m a little nervous to come here but there’s nothing else nearby,” they never seem to have enough help,” “excited to see the new store but now it’s just like everything else around here,” “wish they’d do something about the panhandlers”...Upon leaving the store I was asked for money by a woman sitting on the front steps...hot take is that this location does not represent a good “look” for the company, and, given its substandard performance, sheds some doubt on the viability of the inner city market...

A short list of persons who make Scenario One possible:

- Community Leaders
- Community Members
- The Police
- The Prosecutor

The Prosecutor?

Many governmental actors are responsible for real-time response to acute public safety issues: firefighters put out fires; police make arrests. But only prosecutors are charged with protecting the long-term safety of the community. And, by extension, the quality of life in that community. How prosecutors elect to use their charging authority on “low-level” offenders – panhandlers, shoplifters, vagrants, minor drug offenders, many of whom may have substance abuse, mental health or housing issues – has a significant impact on their likelihood of future offense, their interaction and participation with the community -- their very lives. Prosecutors, *when given the resources necessary to look at the person behind the offense*, can use their authority to charge or not charge -- to push a case along or seek to address the underlying causes of criminal behavior -- to effect long-term changes in offenders’ lives, make people feel safer, and regenerate communities. Turn potential Scenario Twos into Scenario Ones.

Chief State’s Attorney Kevin Kane has said: “We’re not social workers but we sure can recognize social problems.”

Creating the quality of justice that Connecticut deserves requires, *demand*s, that prosecutors not only recognize social problems but use the power of their charging authority to help solve them.

ESI reduces court appearances, thus minimizing lost work time (and potential loss of child care, etc.) for offenders and reduces disruption to victim's lives. It takes unnecessary cases out of the judicial system and assists in deflecting individuals permanently out of the criminal justice system. If there are fewer people with un-identified and un-treated homelessness, mental health and substance abuse issues there will be less panhandlers, vagrants and shoplifters, and more people employed. More healthy communities.

More Scenario Ones.

Recommendations

On page 25 of its Task Force to Study the Feasibility of Establishing Opioid Intervention Courts, January 1, 2019, the Connecticut Judicial Branch, under Recommendation Priority #4: Early Screening and Intervention (ESI) Pilot Program, stated:

“The Division of Criminal Justice established its first ESI units in the Geographical Area courts serving Bridgeport and Waterbury in May of 2017 with the goal of vetting cases involving low level offenses. The cases are assessed for factors such as substance abuse, including opioid addiction, mental illness and personal circumstances, and this information is used to appropriately charge, or dispose of the case.

With the passage of P.A. 17-205 the General Assembly required the Division to set up similar pilot programs in Hartford, New Haven, New London and Norwich. As of September 30, 2018, 9,634 cases had been reviewed, with 1,323 being diverted into programs involving drug and mental health counseling, job and housing assistance and Accelerated Rehabilitation. Additionally there were 885 nolle prosequi and 490 dismissals, with 88.24% of all dispositions achieved with two or fewer appearances before a judge.

Expanded to statewide, this program could annually divert more than 6,200 cases with more than 5,700 requiring two or fewer appearances before a judge. The Division of Criminal Justice is currently developing a report regarding this pilot program to be submitted to the General Assembly on February 1, 2019. Task Force Recommends that the General Assembly thoroughly examine this report to determine how the ESI program might be expanded." (emphasis mine).

Please note that data cited was that which was available through 9/30/18, data which has been superseded by data through 11/30/18 which can be found within this report. All superseded data *exceeds* data quoted by Judicial (dispositions with two or fewer appearances have *increased* to 89.4%, projections for diversions has *increased* to 9,000, etc. Please see page 10 of this report for full details.)

On page 5 of its memo to the Transition Team for Governor-elect Lamont and Lt. Governor-elect Bysiewicz, the Prosecutorial Reform Working Group, Criminal Justice Committee, December 31, 2018, under its Section II, SCREENING/CHARGING OF CASES, stated:

"In Connecticut, unlike in most jurisdictions, the police select charges after warrantless arrests and send these charges (set forth on a complaint) directly to the court clerk's office. The case then appears with these charges on the court docket—without prosecutors first reviewing the case and determining if it should even come to court (and, if so, what charges should be filed). Prosecutors typically see case files for the first time on the morning of the defendant's first appearance. In misdemeanor cases, the prosecution can simply proceed on the police's complaint whereas in felony cases a prosecutor must file an information. (See Practice Book § 36-11). Under this existing system, prosecutors must act affirmatively to remove cases from the court system—i.e., by dismissing the case, nolling the charges, or, in felony cases, informing the court that an information will not be filed. Under this system, prosecutors usually do not conduct a detailed review of the case before it is presented in court because they do not receive documentation from the police sufficiently in

advance of the court appearance and do not have sufficient staff to devote to this early review of cases. There are various negative effects of this system, including:

- Individuals are required to appear in court to face charges (often for multiple court dates) when the individual and society would be better served by the person receiving treatment of underlying issues (e.g., substance abuse, mental illness) without the need for criminal justice involvement.*
- Cases are brought to presentment (and often subject to a number of continuances) that do not meet the standards for prosecution (e.g., because of insufficient evidence).*
- Defendants are referred to statutory diversion programs that may be unnecessary.*
- Cases requiring prosecution are often subject to many continuances and delay because of the volume of cases in the system—which can result in stale evidence, a strain on victims, and lengthy time spent in pretrial detention for defendants.*
- Some cases are over-charged and some are under-charged.*

In response to this problem, the Criminal Justice Division (with seed money from the Singer Foundation) created in May 2017 Early Screening and Intervention (ESI) Units in State’s Attorney’s offices in Bridgeport and Waterbury. The Units are now in place as well in New Haven, Hartford (Community Court), New London, and Norwich. (Public Act 17-205 endorsed this program). The Units are staffed by a dedicated full-time prosecutor and a resource counselor (often a social worker). In cases involving low-level offenses, the ESI prosecutor works together with police departments, public defenders, judicial personnel, and a network of state and community providers to provide the state’s attorney’s office with more accurate, timely, and complete information so the best case outcomes can be achieved in the most efficient manner. The resource counselor gathers

information about a defendant's needs and provides information about services (defendants have an opportunity to consult with a public defender if they want).

These ESI Units should be supported and expanded to other court jurisdictions—the programs will save costs for Connecticut by reducing the number of court appearances, continuances, unnecessary referrals to statutory diversion programs, and time spent in pretrial detention. Recidivism will be reduced by referring individuals to appropriate treatment programs rather than incarcerating them (emphasis mine). We also recommend that prosecutors involved in these Units be provided with regular implicit bias training.”

The State of Connecticut Office of Policy and Management (OPM), recognizing the promising early results of ESI, awarded the Division \$101,396 in federal Justice Assistance Grant funds on 12/28/18 to continue the Early Screening and Intervention Pilot Program in Bridgeport and Waterbury through June 30th, 2019.

Based on the observations and data provided within this report the Division of Criminal Justice concurs with the findings of OPM and the recommendations of the Judicial Branch and the Prosecutorial Reform Working Group, Criminal Justice Committee for the Transition Team for Governor-elect Lamont and Lt. Governor-elect Bysiewicz: the ESI program has demonstrated success and should be both supported and expanded.

APPENDIX -- A

Acknowledgements

The Herbert and Nell Singer Foundation, Inc.

Jay H. Sandak, Esq., Partner, Carmody, Torrance, Sandak & Hennessey, *President*, Herbert and Nell Singer Foundation, Inc.

Center for Court Innovation

For the Division of Criminal Justice

Kevin T. Kane, *Chief State's Attorney*

John J. Russotto, *Deputy Chief State's Attorney for Personnel, Finance and Administration*

Kevin D. Lawlor, *Deputy Chief State's Attorney for Operations*

For the ESI Pilot Project – Division of Criminal Justice

Brian Austin, Jr., *Executive Assistant State's Attorney – Co-Project Manager*

Mitchell S. Forman, *Grants and Contracts Manager – Co-Project Manager, Principal Author*

Bailey Mulqueen, *UConn Department of Public Policy Graduate Data Analysis Intern*

Charles J. Duffy, *Consultant*

Margaret E. Kelley, *State's Attorney, Ansonia/Milford Judicial District*

John C. Smriga, *State's Attorney, Fairfield Judicial District*

Gail P. Hardy, *State's Attorney, Hartford Judicial District*

Patrick J. Griffin, *State's Attorney, New Haven Judicial District*

Michael L. Regan, *State's Attorney, New London Judicial District*

Michael A. Gailor, *State's Attorney, Middlesex Judicial District*

Richard J. Colangelo, Jr., *State's Attorney, Stamford/Norwalk Judicial District*

Maureen Platt, *State's Attorney, Waterbury Judicial District*

Cornelius Kelly, *Supervisory Assistant State's Attorney, GA#2, Bridgeport*

Carl R. Ajello III, *Supervisory Assistant State's Attorney, GA#14, Hartford*

David J. Strollo, *Supervisory Assistant State's Attorney, GA#23, New Haven*

David J. Smith, *Supervisory Assistant State's Attorney, GA#10, New London*

Thomas Griffin, *Supervisory Assistant State's Attorney, GA#21, Norwich*

Catherine Brannelly Austin, *Supervisory Assistant State's Attorney, GA#4, Waterbury*

Early Screening and Intervention Pilot Project Prosecutors:

- David Cordone – Norwich
- Mary Eschuk- Waterbury
- Michael Kennedy – New London
- Mary Eschuk- Waterbury
- Jennifer Lindade – New Haven
- Michael Nemec - Bridgeport
- Thomas O'Brien - Hartford
- Judy Stevens - Bridgeport

Early Screening and Intervention Pilot Project Resource Counselors:

- Regional Network of Programs – Bridgeport
 - Deirdre McCoy
- Community Partners in Action – Hartford
 - Yanique Walton
- Cornell Scott Hill Health Center – New Haven
 - Rachael Hayes
 - Robert Santoemma
- Reliance Health – New London and Norwich
 - Tiana Baker
- Community Partners in Action – Waterbury
 - Ann Taylor

APPENDIX -- B

Sources

Public Act 17-205: An Act Establishing A Pilot Program to Provide Enhanced Community Services To Those In The Criminal Justice System, Approved July 10, 2017

Bringing Prosecutor Problem-Solving to Scale in Connecticut: A Review of Criminal Courts in Bridgeport, New Haven and New London with Statewide Recommendations – *Center for Court Innovation*, May 6, 2016

Statistics/Reports @ www.jud.ct.gov, *State of Connecticut Judicial Branch*, 2017-2018

Analysis of Early Screening Initiative Pilot Multi-Jurisdictional Data, *Center for Court Innovation*, January 8, 2019

Low Level Offender Tracking, *Division of Criminal Justice – Stamford/Norwalk State’s Attorney Richard J. Colangelo, Jr.*, January, 2019

Community Court Eligible Offenses – Guidelines, *Division of Criminal Justice, Senior Assistant State’s Attorney Thomas O’Brien* June 23, 2017

Pretrial Screening and Intake Program, *Division of Criminal Justice, State’s Attorney Michael A. Gailor*, March 24, 2017

Procedural Justice @ <https://trustandjustice.org>, *John Jay College of Criminal Justice - National Initiative for Building Community Trust & Justice*, 2017

ESI Visuals, *UCONN Department of Public Policy Graduate Data Analysis Intern Bailey Mulqueen*, January 7, 2019

Data Analysis of ESI and Control Sites, *UCONN Department of Public Policy Graduate Data Analysis Intern Bailey Mulqueen*, December 17, 2018

Resource Counselor Notes, *Community Partners in Action and Regional Network of Programs, Cornell Scott Hill Health Center*, February 5, 2018 – January 9, 2019

Restorative Justice Conferencing, Adult Criminal Justice, Benefit-Cost Results, *Washington State Institute for Public Policy*, December, 2018

Task Force to Study the Feasibility of Establishing Opioid Intervention Courts,
State of Connecticut Judicial Branch, January 1, 2019

Memo to the Transition Team for Governor-elect Lamont and Lt. Governor-elect
Bysiewicz, Prosecutorial Working Group, Criminal Justice Committee, December
31, 2018

APPENDIX -- C

Center for Court Innovation – Data Analytics and Applied Research:

Analysis of Early Screening and Intervention Pilot Multi-Jurisdiction Data

TO: Connecticut Division of Criminal Justice
FROM: Center for Court Innovation, Data Analytics and Applied Research
DATE: January 8, 2019
RE: Analysis of Early Screening Initiative Pilot Multi-Jurisdiction Data

The Connecticut Division of Criminal Justice (the Division), in a commitment to improve agency efficiency, efficacy, and delivery of justice, partnered with the Center for Court Innovation (the Center) to examine and pilot improvements to the resolution of low-level offenses.

The Division had a particular focus on problem-solving practices affecting chronic low-level offenders with various treatment needs, a population that can confound justice practitioners across the nation: studies have long shown that a relatively small percentage of the population is responsible for a majority of crime committed in a particular jurisdiction. One study of jail admissions in Cook County, Ill., for example, found that 21% of the *individuals* admitted to jail accounted for 50% of all the *admissions* to jail.¹ Other studies have also shown that low-level offenders make up a large majority of caseloads in courts and jails with, for example, 75% of the jail population being held for low-level, nonviolent offenses.²

Although problem-solving practices can be defined widely, the Division focused on reforms that emphasized collaboration among justice system stakeholders, enhancement of data tracking, and individualization of sanctions and services that address the unmet needs fueling criminal behavior. The Division piloted three ideas as part of interventions that became known as the Early Screening Initiative (ESI): (1) developing a prosecutorial screening unit to expedite and improve charging decisions, (2) utilizing a "resource coordinator" in the courtroom to improve decision-making about appropriate diversion options, and (3) systematically tracking and recording information about all cases.

The main goals of ESI are (1) to screen low-level cases for possible diversion earlier in the court process; (2) to identify defendants in need of intensive assistance related to mental health, substance use, and/or homelessness; and (3) to connect those defendants to the appropriate services. The Division was also interested in tracking case outcomes as they relate to charging decisions.

In two phases, six jurisdictions across Connecticut participated in ESI. The first phase of ESI began in May 2017 and consisted of two pilot sites: Bridgeport and Waterbury. The second

¹ Olson, David E. and Koert Huddle. 2013. "An Examination of Admissions, Discharges and the Population of the Cook County Jail, 2012." *Social Justice* 16. Retrieved December 14, 2018 (https://ecommons.luc.edu/social_justice/16/).

² Subramanian, Ram, Ruth Delaney, Stephen Roberts, Nancy Fishman, and Peggy McGarry. 2015. *Incarceration's Front Door: The Misuse of Jails in America*. New York: Vera Institute of Justice. Retrieved December 14, 2018 (<http://www.vera.org/pubs/special/incarcerations-front-door-misuse-jails-america>).

phase began early 2018 with the addition of four jurisdictions: Hartford, New London, Norwich, and New Haven. Overall, ESI prosecutors screened more than 3,000 cases between May 2017 and October 2018.³

This memo provides a descriptive analysis of the data collected by the six Connecticut jurisdictions participating in ESI. The following analyses present information about the ESI cases, including defendant demographics, case volume and descriptives, top arrest charges, needs screening for connection to intensive assistance, case outcomes, diversion outcomes, average case processing times, number of appearances, and diversion types.

The analyses were conducted using data collected by the prosecutor in each jurisdiction and provided to the Data Analytics and Applied Research team at the Center. Most of the analyses were conducted using data as directly reported by each prosecutor. In instances where the Center's Research team recoded data, the specific recoding process is explained.

This memo also offers limited light-touch observations of some high-level trends. These analyses are descriptive only. No impact analyses are presented.

³ Data collection for this report ended on October 31, 2018 for all six sites.

1. Case Volume and Demographics

Table 1 presents the volume and basic demographic information for all ESI cases, as recorded by each jurisdiction.

Age at arrest was calculated by the Research team using the defendant's date of birth and the date of arrest attached to the case. Ages less than or equal to 12 years and greater or equal to 125 (all identified as typos) were recoded as missing. The raw age was then recoded into nine ascending age brackets.

Table 1. Case Volume and Defendant Demographics.						
	Phase I			Phase II		
	Bridgeport	Waterbury	Norwich	New London	Hartford	New Haven
Total Cases	1614	892	203	179	119	77
Gender						
Male	896 (56%)	552 (62%)	120 (59%)	83 (46%)	89 (75%)	44 (57%)
Female	690 (43%)	338 (38%)	79 (39%)	95 (53%)	27 (23%)	33 (43%)
Transgender	3 (<1%)	2 (<1%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Missing	25 (2%)	0 (0%)	4 (2%)	1 (<1%)	3 (2%)	0 (0%)
Race/Ethnicity						
Black	545 (34%)	198 (22%)	39 (19%)	10 (6%)	30 (25%)	23 (30%)
Latino/a	217 (13%)	237 (27%)	20 (10%)	1 (<1%)	35 (29%)	0 (0%)
White	781 (48%)	442 (50%)	127 (63%)	93 (52%)	45 (38%)	53 (69%)
Other	30 (2%)	6 (<1%)	9 (4%)	12 (7%)	5 (4%)	0 (0%)
Missing	41 (3%)	9 (1%)	8 (4%)	63 (35%)	4 (3%)	1 (1%)
Age at Arrest						
<18	6 (<1%)	1 (<1%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
18-20	227 (14%)	97 (11%)	13 (6%)	30 (17%)	11 (9%)	5 (7%)
21-24	224 (14%)	128 (14%)	21 (10%)	19 (11%)	9 (8%)	8 (10%)
25-29	251 (16%)	157 (18%)	31 (15%)	24 (13%)	13 (11%)	13 (17%)
30-39	395 (25%)	234 (26%)	54 (27%)	47 (26%)	26 (22%)	21 (27%)
40-49	190 (12%)	133 (15%)	22 (11%)	13 (7%)	27 (23%)	15 (20%)
50-59	187 (12%)	72 (8%)	30 (15%)	17 (10%)	8 (7%)	8 (10%)
60-69	57 (4%)	32 (4%)	12 (6%)	5 (3%)	8 (7%)	5 (7%)
70+	21 (1%)	2 (<1%)	4 (2%)	1 (<1%)	3 (3%)	1 (1%)
Missing	56 (4%)	36 (4%)	16 (8%)	23 (13%)	14 (12%)	1 (1%)
Other Defendant Characteristics						
Language barrier	97 (6%)	20 (2%)	7 (3%)	3 (2%)	3 (3%)	6 (8%)
Criminal record	492 (31%)	318 (36%)	101 (50%)	49 (27%)	50 (42%)	29 (38%)

2. Case Descriptives

Table 2 presents information about the instant case, including whether the defendant was detained pre-trial, whether the case involved a victim, the case’s defense counsel, and top arrest charge category.

Cases involving victims were tracked differently for each site. For example, Bridgeport explicitly considered a store (e.g., Macy’s, Target, Shop ‘N’ Stop) the “victim” in shoplifting cases. Waterbury, in the same types of cases, explicitly considered these stores not to be victims. Interpreting trends regarding victim involvement, therefore, should be done with caution.

Prosecutors reported top arrest charge based on the Connecticut Penal Code. The Research team recoded charges into five groups based on statutory categories:

- (1) **Drugs:** Drug possession, drug possession with intent to sell, or drug sale (controlled substances, marijuana, and/or drug paraphernalia, specifically), and other charges related to an illegal substance.
- (2) **Peace/Public Safety:** Breach of peace, harassment, interfering with officer, risk of injury, assault, and similar charges.
- (3) **Personal Property/Fraud:** Larceny/shoplifting, credit card theft, robbery, forgery, identity theft, issuing bad checks, and similar charges.
- (4) **Real Property:** Criminal trespassing, criminal mischief, burglary, and other charges that involve geographic, immovable property.
- (5) **Other:** Any charge that did not fit into one of the four categories listed above.

Table 2. Case Descriptives.						
	Phase I			Phase II		
	Bridgeport	Waterbury	Norwich	New London	Hartford	New Haven
Total Cases	1614	892	203	179	119	77
Case Characteristics						
Defendant detained pre-trial	2 (<1%)	56 (6%)	3 (2%)	0 (0%)	3 (3%)	2 (3%)
Case involves a victim	1067 (66%)	97 (11%)	158 (78%)	123 (69%)	7 (6%)	13 (17%)
Defense Counsel						
Pro Se	674 (42%)	770 (86%)	100 (49%)	124 (69%)	103 (87%)	63 (82%)
Public Defender	457 (28%)	88 (10%)	8 (4%)	3 (2%)	8 (7%)	5 (7%)
Private	258 (16%)	30 (3%)	21 (10%)	8 (5%)	1 (1%)	4 (5%)
Missing	225 (14%)	4 (<1%)	74 (36%)	44 (25%)	7 (6%)	5 (7%)
Top Arrest Charge						
Drugs	219 (14%)	160 (18%)	19 (9%)	13 (7%)	26 (22%)	16 (21%)
Peace/Public Safety	625 (39%)	290 (33%)	34 (17%)	57 (32%)	10 (8%)	28 (36%)
Personal Property/Fraud	531 (33%)	226 (25%)	67 (33%)	75 (42%)	16 (13%)	29 (38%)
Real Property	107 (7%)	121 (14%)	26 (13%)	20 (11%)	22 (19%)	3 (4%)
Other	129 (8%)	92 (10%)	15 (7%)	13 (7%)	41 (34%)	1 (1%)
Missing	3 (<1%)	3 (<1%)	0 (0%)	1 (<1%)	4 (3%)	0 (0%)

3. Screening for Intensive Assistance

As stated previously, one goal of ESI was to screen cases in order to identify a need of intensive assistance related to mental health, substance use, and/or homelessness. Table 3 presents the areas of need for intensive assistance for ESI cases.

Data regarding defendant needs (mental health issues, substance use issues, and homelessness, specifically) were explicitly tracked and recorded by prosecutors, as required by the legislature. This tracking was only required for second-phase ESI sites (Norwich, New London, Hartford, and New Haven) and did not apply to Bridgeport or Waterbury.⁴

The three needs flags were indicated by three yes/no questions in the dataset, one question for each needs. Cases that had a “yes” in any one of those fields were recoded by the Research team as having a flag of the corresponding need. Cases that had a “no” in any one of those fields were recoded by the Research team as no flag of the corresponding need. For cases without any data in the needs flags fields, the research team recoded as follows:

- (1) **Mental health issues flag:** If the type of diversion was related to mental health issues (e.g., counseling) or if anywhere in the case it was noted that the defendant had a need for mental health-related services.
- (2) **Substance use issues flag:** If the type of diversion was related to substance use issues (e.g., in-patient substance use treatment) or if anywhere in the case it was noted that the defendant had a need for substance use-related services.
- (3) **Homelessness flag:** If anywhere in the case it was noted that the defendant was homeless.⁵

In general, mental health flags and substance use flags were more common than homelessness flags. However, as described above, this may be due to data coding methods rather than a true representation of defendant needs.

Table 3. Screening for Intensive Assistance/Needs						
	Phase I		Phase II			
	Bridgeport**	Waterbury	Norwich	New London	Hartford	New Haven
Total Cases	1614	892	203	179	119	77
Needs Flags*						
Mental Health Issues	--	64 (7%)	44 (22%)	26 (15%)	53 (45%)	11 (14%)
Substance Use Issues	--	240 (27%)	50 (25%)	22 (12%)	87 (73%)	30 (39%)
Homelessness	--	16 (2%)	3 (2%)	9 (5%)	31 (26%)	7 (9%)
*Cases may have more than one area identified for intensive assistance.						
**Bridgeport was not required to collect these data.						

⁴ Waterbury fortuitously received additional resources and was able to update the needs of prior ESI cases and track needs for cases going forward.

⁵ Cases with housing-related referrals but no explicit mention of homelessness were not recoded by the Research team as homelessness flags since a housing-related service does not necessarily equate to homelessness.

4. Case Outcomes and Diversion

As stated earlier, one goal of ESI is to track case outcomes. The Division also sought to understand any conditions associated with nolle or dismissals, specifically. In general, ESI’s main purpose is to screen cases for early diversion and, if appropriate, route them into diversion. Case outcomes are presented in Table 4, conditions of nolle and dismissals in Table 5, and diversion in Table 6.

Case outcomes were grouped into five categories as recorded by prosecutors: nolle; dismissal; plea; transfer (cases removed from the ESI program and transferred to the “regular” docket), and in progress/missing.⁶

Table 4. Case Outcomes.						
	Phase I			Phase II		
	Bridgeport	Waterbury	Norwich	New London	Hartford	New Haven
Total Cases	1614	892	203	179	119	77
Case Outcome						
Nolle	510 (32%)	155 (17%)	63 (31%)	91 (51%)	14 (12%)	21 (27%)
Dismissal	290 (18%)	204 (23%)	3 (2%)	1 (<1%)	42 (35%)	0 (0%)
Plea	237 (15%)	51 (6%)	8 (4%)	1 (<1%)	0 (0%)	4 (5%)
Transfer	104 (6%)	144 (16%)	2 (1%)	0 (0%)	6 (5.0%)	0 (0%)
In Progress/Missing [^]	473 (29%)	338 (38%)	127 (63%)	86 (48%)	57 (48%)	52 (68%)

[^]Due to the method of data collection, it was not possible to differentiate cases with missing data from cases still in progress.

To capture more information regarding case outcomes, the Research team recoded cases that received a nolle or a dismissal into two categories:

- (1) **With conditions:** Cases that had notes indicating required action(s) by the defendant prior to a nolle or dismissal.
- (2) **Without conditions:** Cases that did not have any notes indicating required action(s) by the defendant prior to a nolle or dismissal. This includes cases that indicated a good faith agreement between the defendant and the prosecutor (e.g., “defendant agreed to stay out of trouble for nolle).

For nolle and dismissals coded as “with conditions,” outcomes were recoded further into one of four categories:

- (1) **Needs-based:** Required action(s) related to any three areas of intensive assistance (mental health, substance use, and homelessness), including completion of substance use treatment, psychotherapy/counseling, and connections to shelters or housing related-services.
- (2) **Not needs-based:** Required action(s) unrelated to any needs of the defendant, including restitution, charitable contributions, and the return of stolen property.

⁶ Due to the method of data collection, it was not possible to differentiate cases with missing data from cases still in progress.

(3) **State diversion:** Required completion of a state diversion program (e.g., Accelerated Rehabilitation).

(4) **Mediation:** Required completion of mediation between the defendant and the victim(s) (in Bridgeport, referred to as “handshake nolles”).

Across sites, most nolles and dismissals required conditions. The type of conditions, however, varied a fair amount. For example, in Waterbury most nolle conditions were not needs-based and most dismissals were state diversion. In comparison, in Hartford – although volume was much lower than in Waterbury – most nolles and dismissals with conditions were needs-based.

Table 5. Conditions of Nolles and Dismissals.

	Phase I		Phase II			
	Bridgeport	Waterbury	Norwich	New London	Hartford	New Haven
Total Cases	1614	892	203	179	119	77
Conditions of Nolles and Dismissals						
<i>Nolles</i>	510 (32%)	155 (17%)	63 (31%)	91 (51%)	14 (12%)	21 (27%)
With Conditions	369 (72%)	69 (45%)	58 (92%)	71 (78%)	13 (93%)	16 (76%)
Needs-Based	33 (9%)	49 (71%)	16 (28%)	11 (15%)	11 (85%)	4 (25%)
Not Needs-Based	201 (54%)	15 (22%)	42 (72%)	60 (85%)	2 (15%)	8 (50%)
State Diversion	8 (2%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Mediation	127 (34%)	5 (7%)	0 (0%)	0 (0%)	0 (0%)	4 (25%)
Without Conditions	141 (28%)	86 (55%)	5 (8%)	20 (22%)	1 (7%)	5 (24%)
<i>Dismissals</i>	290 (18%)	204 (23%)	3 (2%)	1 (<1%)	42 (35%)	0 (0%)
With Conditions	283 (98%)	202 (99%)	1 (33%)	1 (100%)	26 (62%)	0 (0%)
Needs-Based	1 (<1%)	1 (<1%)	0 (0%)	0 (0%)	25 (96%)	0 (0%)
Not Needs-Based	2 (1%)	201 (99%)	1 (100%)	1 (100%)	1 (4%)	0 (0%)
State Diversion	280 (99%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Without Conditions	7 (2%)	2 (1%)	2 (67%)	0 (0%)	16 (38%)	0 (0%)

Note: Percentages of nolles and dismissals are based on number of total cases. Percentages of cases with conditions and cases without conditions are based on nolle and dismissed cases, respectively as they appear in the table. Percentages of condition type are based on nolle and dismissed cases with conditions, respectively as they appear in the table.

Table 6 presents diversion entry and outcomes. ESI defines diversion as connecting a defendant to social services, the defendant entering a program, and/or another requirement (e.g., mediation, restitution to the victim, etc.) that, if successfully completed, resulted in either a nolle from the prosecutor or a dismissal from the court.

In terms of diversion outcomes, the Research team coded a case as unsuccessful if the Diversion Closed Reason field was “failed,” if the Diversion Closed Reason field was blank and a plea occurred, or if the case was removed from the ESI program for any reason (most commonly due to a re-arrest or failure to appear). As with case outcomes, cases without any indication of a resolution (i.e., no ESI outcome or case disposition listed and no notes identifying the outcome), it was not possible to differentiate missing data from cases still in progress, so those two categories were combined.

Diversion entry varied across sites, ranging from roughly one-third of cases entering diversion (New Haven) to nearly all cases entering diversion (Hartford). Of the diversion cases that were recorded as having exited, success rates were high across all jurisdictions. Future analysis – after more defendants have exited ESI – will provide better insight into overall compliance rates.

Table 6. Diversion Volume and Outcomes.

	Phase I		Phase II			
	Bridgeport	Waterbury	Norwich	New London	Hartford	New Haven
Total Cases	1614	892	203	179	119	77
Diversion Volume						
Entered	822 (51%)	644 (72%)	115 (57%)	150 (84%)	115 (97%)	23 (30%)
Diversion Outcomes						
Exited	679 (83%)	365 (57%)	61 (53%)	79 (53%)	66 (57%)	9 (39%)
Successful	658 (80%)	266 (73%)	56 (92%)	78 (99%)	56 (85%)	8 (89%)
Unsuccessful	21 (3%)	99 (27%)	5 (8%)	1 (1%)	10 (15%)	1 (11%)
In Progress/Missing	143 (17%)	279 (43%)	54 (47%)	71 (47%)	49 (43%)	14 (61%)
Note: Percentages for diversion entered are based on the number of total cases. Percentages for diversion exited and diversion in progress/missing based on the number of cases which entered diversion. Percentages of successful and unsuccessful exits based on the number of cases which exited diversion.						

5. Case Processing and Appearances

Another goal of ESI is to reduce reliance on system resources, which is often measured by case processing time (Table 7). Number of defendant appearances is another useful indicator, which in Connecticut can happen both on and off the record (Table 8). In general, the Division strives for speedy case resolution and a low number of appearances.

Connecticut prosecutors recorded the dates of various case-related events (e.g., arraignment date, diversion entrance date, disposition date). The Research team calculated case processing time based on the number of days between various events. For example, time from arraignment to disposition was calculated based on the number of days between the arraignment date and disposition date. Averages are based on cases with valid dates. Cases were considered resolved at arraignment if their arraignment date and disposition date were the same.

Diversion entrance at arraignment was more common than resolution at arraignment in all jurisdictions except Bridgeport.

Table 7. Arraignment Outcomes.						
	Phase I			Phase II		
	Bridgeport	Waterbury	Norwich	New London	Hartford	New Haven
Total Cases	1614	892	203	179	119	77
Arraignment Outcomes						
<i>Cases with Valid Dates</i>	<i>N=914</i>	<i>N=522</i>	<i>N=78</i>	<i>N=85</i>	<i>N=65</i>	<i>N=22</i>
Resolution at Arraignment	187 (20%)	101 (19%)	12 (15%)	1 (1%)	1 (2%)	8 (36%)
Diversion Entrance at Arraignment						
<i>Cases with Valid Dates</i>	<i>N=202</i>	<i>N=617</i>	<i>N=105</i>	<i>N=142</i>	<i>N=111</i>	<i>N=9</i>
Diversion Entrance at Arraignment	10 (5%)	548 (89%)	50 (48%)	81 (57%)	70 (63%)	6 (67%)
Note: Percentages are based on cases with valid applicable dates.						

For diversion cases, the time from arraignment to diversion entrance was less than three weeks in Waterbury, Norwich, New London, Hartford and New Haven. In Bridgeport, the average time from arraignment to diversion was longer: about nine weeks.

In five out of the six jurisdictions, the average case processing time was longer for diversion cases than it was for all cases. In Hartford, these two averages were equal.

Table 8. Case Processing Time.						
	Phase I			Phase II		
	Bridgeport	Waterbury	Norwich	New London	Hartford	New Haven
Total Cases	1614	892	203	179	119	77
Case Processing Times – All Cases						
<i>Cases with Valid Dates</i>	<i>N=914</i>	<i>N=522</i>	<i>N=78</i>	<i>N=85</i>	<i>N=65</i>	<i>N=22</i>
Arraignment to Disposition	80 days	51 days	56 days	82 days	60 days	30 days
Case Processing Times – Diversion Cases						
<i>Cases with Valid Dates</i>	<i>N=509</i>	<i>N=345</i>	<i>N=62</i>	<i>N=75</i>	<i>N=65</i>	<i>N=5</i>
Arraignment to Disposition	101 days	65 days	62 days	84 days	60 days	65 days
<i>Cases with Valid Dates</i>	<i>N=202</i>	<i>N=617</i>	<i>N=105</i>	<i>N=142</i>	<i>N=111</i>	<i>N=9</i>
Arraignment to Diversion Entrance	63 days	7 days	20 days	21 days	10 days	5 days
<i>Cases with Valid Dates</i>	<i>N=112</i>	<i>N=336</i>	<i>N=61</i>	<i>N=72</i>	<i>N=65</i>	<i>N=2</i>
Diversion Entrance to Disposition	171 days	60 days	43 days	63 days	50 days	47 days

Note: All data are based on cases with valid applicable dates.

Data provided to the Research team included two fields regarding the number of presentments/appearances made by the defendant: presentments in front of the judge and off-the-record appearances, both presented in Table 9.

The number of formal appearances in front of the judge were low for cases across all jurisdictions, but particularly in Hartford, where 92% of cases had either one formal court appearance or none altogether. In all jurisdictions, most cases were resolved in two appearances or less. Off-the-record appearances were more common than formal appearances, although were still rather infrequent. Most cases involved less than three of these off-the-record appearances.

Table 9. Number of Appearances.						
	Phase I			Phase II		
	Bridgeport	Waterbury	Norwich	New London	Hartford	New Haven
Total Cases	1614	892	203	179	119	77
Appearances in Front of the Judge						
0	549 (34%)	308 (35%)	131 (65%)	49 (27%)	88 (74%)	18 (23%)
1	400 (25%)	283 (32%)	4 (2%)	2 (1%)	21 (18%)	14 (18%)
2	328 (20%)	253 (28%)	2 (1%)	0 (0%)	5 (4%)	0 (0%)
3	157 (10%)	36 (4%)	2 (1%)	0 (0%)	0 (0%)	0 (0%)
4+	66 (4%)	11 (1%)	3 (2%)	0 (0%)	0 (0%)	1 (1%)
<i>Missing</i>	<i>114 (7%)</i>	<i>1 (<1%)</i>	<i>61 (30%)</i>	<i>128 (72%)</i>	<i>5 (4%)</i>	<i>44 (57%)</i>
Appearances Off-the-Record						
0	497 (31%)	153 (17%)	5 (3%)	1 (<1%)	1 (1%)	6 (8%)
1	502 (31%)	286 (32%)	34 (17%)	58 (32%)	29 (24%)	13 (17%)
2	308 (19%)	148 (17%)	35 (17%)	10 (6%)	42 (35%)	6 (8%)
3	122 (8%)	130 (15%)	32 (16%)	1 (<1%)	27 (23%)	4 (5%)
4	65 (4%)	80 (9%)	19 (9%)	0 (0%)	10 (8%)	4 (5%)
5	22 (1%)	39 (4%)	7 (3%)	0 (0%)	3 (3%)	0 (0%)
6+	15 (1%)	54 (6%)	10 (5%)	0 (0%)	2 (2%)	0 (0%)
<i>Missing</i>	<i>83 (5%)</i>	<i>1 (<1%)</i>	<i>61 (30%)</i>	<i>109 (61%)</i>	<i>5 (4%)</i>	<i>44 (57%)</i>

6. Diversion Type

Table 10 presents a more nuanced look at the ESI cases that entered diversion by examining the type of diversion entered. Cases could be required to complete more than one type of diversion program, and/or could require multiple diversion conditions.

The Research team coded diversion into several different categories based on the data entered in the diversion type field and/or case notes related to the type of diversion. Coding specifications for diversion type are as follows:

- (1) **Mental Health:** Mental health treatment (inpatient or outpatient), counseling, anger management, and other mental health-related programs.
- (2) **Substance Use:** Substance abuse treatment (inpatient or outpatient), detox, drunk driving classes, and other substance use-related programs.
- (3) **Housing:** Referrals to shelters, transitional housing programs, and other services related to finding and/or maintaining stable housing.
- (4) **Initial Evaluation:** Mental health or substance use evaluations that were ordered by the prosecutor or resource coordinator, regardless of whether the defendant was ultimately found in need or entered a mental health or substance use program.
- (5) **Other Needs-Based Referral:** Services related to need(s) of the defendant other than mental health, substance use, or housing (e.g., review of state benefits).
- (6) **State Diversion Program:** Accelerated Rehabilitation (AR), the Drug Education Program (DEP), the Alcohol Education Program (AEP), the Supervised Diversionary Program (SDP). Additionally, as with initial evaluations, some defendants were referred to state diversion screening but were not necessarily approved to participate in the program; in these cases, the defendant was still coded as “state diversion program.”
- (7) **Community Court:** Participation in and completion of community court.
- (8) **Community Service:** Completion of community service hours.⁷
- (9) **Mediation:** Mediation or other personal correspondence/agreement with the victim(s), including what Bridgeport referred to as “handshake nolle.”
- (10) **Monetary:** Charitable contributions, restitution, or other monetary conditions specifically tied to the victim (e.g., a defendant charged with animal abuse was offered the option of donating to the humane society for a nolle).

⁷ Does not include cases diverted to community court that were subsequently required by the community court to complete community service hours.

Table 10. Diversion Type.

	Phase I		Phase II			
	Bridgeport	Waterbury	Norwich	New London	Hartford	New Haven
Total Cases	1614	892	203	179	119	77
Diversion Volume						
Diversion Entered	822 (51%)	644 (72%)	115 (57%)	150 (84%)	115 (97%)	23 (30%)
Diversion Type						
Mental Health	13 (2%)	44 (7%)	20 (17%)	18 (12%)	28 (24%)	7 (30%)
Substance Use	142 (17%)	175 (27%)	26 (23%)	14 (9%)	41 (36%)	15 (65%)
Housing	0 (0%)	13 (2%)	3 (3%)	2 (1%)	10 (9%)	2 (9%)
Initial Evaluation	0 (0%)	0 (0%)	6 (5%)	32 (21%)	43 (37%)	2 (9%)
Other Needs-Based Referral	1 (<1%)	5 (1%)	3 (3%)	1 (1%)	59 (51%)	0 (0%)
State Diversion Program	415 (47%)	99 (15%)	4 (3%)	2 (1%)	0 (0%)	0 (0%)
<i>AR</i>	305 (37%)	11 (2%)	4 (3%)	0 (0%)	0 (0%)	0 (0%)
<i>AEP</i>	2 (<1%)	23 (4%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
<i>DEP</i>	107 (13%)	61 (9%)	0 (0%)	1 (1%)	0 (0%)	0 (0%)
<i>SDP</i>	11 (1%)	3 (<1%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
<i>Other</i>	0 (0%)	1 (<1%)	0 (0%)	1 (1%)	0 (0%)	0 (0%)
Community Court	0 (0%)	376 (58%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Community Service	141 (17%)	24 (4%)	18 (13%)	77 (51%)	2 (2%)	0 (0%)
Mediation	128 (16%)	5 (1%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Monetary	85 (10%)	1 (<1%)	30 (26%)	10 (7%)	0 (0%)	0 (0%)

Note: Percentages for diversion volume are based on number of total cases. Percentages for diversion type are based on number of cases which entered diversion. Cases may have more than one diversion type.

APPENDIX -- D

Division of Criminal Justice:

ESI Data Analysis – Control Comparison

Data collection and Analysis: Bailey Mulqueen, *UCONN Department of Public Policy*
Graduate Data Analysis Intern

	Cases	Charge Category	%	# Appearances in front of Judge	%	Case Disposition	%	Sentence	%	Entered into Diversion	%	Type of Diversion	%	Average # Formal Court Appearances/Person	
Stamford (control)	101	20 Breach of Peace	19.8%	19 Twice	18.8%	48 Nolle	47.5%	34 AR	33.7%	59 no	58.4%	34 AR	33.7%	Stamford	4.89 Appearances/person
		18 Theft	17.8%	16 Three Times	15.8%	40 Dismissed	39.6%	13 \$ Payment	12.9%	38 yes	37.6%	13 \$ Payment	12.9%	Norwalk	4.66 Appearances/person
		16 Trespassing/Mischief	15.8%	13 Four Times	12.9%	13 Plea	12.9%	1 SDP	1.0%			2 SA Treatment	2.0%	Hartford	0.25 Appearances/person
		11 Disorderly Conduct	10.9%	11 Five Times	10.9%	-	-	-	-	-	-	1 MH Treatment	1.0%	New London	0.04 Appearances/person
		9 Drug	8.9%	9 Once	8.9%	-	-	-	-	-	-	1 SDP	1.0%	New Haven	0.49 Appearances/person
Norwalk (control)	388	98 Disorderly Conduct	25.3%	91 Nine Times	23.5%	185 Nolle	47.7%	164 Nolle	42.3%	265 no	68.3%	39 FVEP	10.1%	Norwich	0.24 Appearances/person
		73 Theft	18.8%	68 Twice	17.5%	4 Dismissed	1.0%	72 AR	18.6%	121 yes	31.2%	8 SA Treatment	2.1%	Waterbury	1.05 Appearances/person
		47 Assault	12.1%	60 Once	15.5%	-	-	66 \$ Payment	17.0%			8 SDP	0.8%	Bridgeport	1.22 Appearances/person
		46 Breach of Peace	11.9%	49 Three Times	12.6%	-	-	12 Uncond. Discharge	3.1%			-	-	Control Sites	4.71 Appearances/person
		32 Drug	8.2%	41 Four Times	10.6%	-	-	11 Jail	2.8%			-	-	ESI Sites	1.03 Appearances/person
Hartford	118	24 Drug	20.3%	88 Never	74.6%	42 Dismissed	35.6%	5 Rearrest	4.2%	114 yes	96.6%	28 SA Treatment	23.7%		
		20 Trespassing/Mischief	16.9%	21 Once	17.8%	14 Nolle	11.9%	4 Dismissed	3.4%	0 no	0.0%	28 SA and MH Treatment	23.7%		
		18 Theft	15.3%	5 Twice	4.2%	1 Transfer	0.8%	-	-	-	-	12 MH Treatment	10.2%		
		17 Town Ordinance Violation	14.4%	-	-	1 Other	0.8%	-	-	-	-	12 Benefits Review	10.2%		
		10 Panhandling	8.5%	-	-	-	-	-	-	-	-	8 Straight Diversion	6.8%		
New London	216	78 Theft	36.1%	50 Never	23.1%	93 Nolle	43.1%	1 Nolle	0.5%	156 yes	72.2%	77 Community Service	35.6%		
		45 Breach of Peace	20.8%	2 Once	0.9%	1 Dismissed	0.5%	1 Re-arrest	0.5%	20 no	9.3%	33 MH Treatment	15.3%		
		21 Trespassing/Mischief	9.7%	-	-	1 Plea	0.5%	1 Disposal	0.5%			9 SA Treatment	4.2%		
		12 Drug	5.6%	-	-	-	-	-	-	-	-	9 "Stay away/out of trouble"	4.2%		
		7 Harrassment	3.2%	-	-	-	-	-	-	-	-	8 MH Treatment/Comm Svc	3.7%		
New Haven	137	70 Theft	51.1%	32 Never	23.4%	30 Nolle	21.9%	16 Nolle	11.7%	52 yes	38.0%	12 MH Treatment	8.8%		
		16 Drug	11.7%	22 Once	16.1%	9 Plea	6.6%	3 Cond. Discharge	2.2%	29 no	21.2%	9 SA Treatment	6.6%		
		15 Breach of Peace	10.9%	1 Five Times	0.7%	1 Transfer	0.7%	3 \$ Payment	2.2%			2 SA and MH Treatment	1.5%		
		10 Drug/MV Violation	7.3%	-	-	-	-	2 Cond. Nolle	1.5%			1 Housing	0.7%		
		6 Trespassing/Mischief	4.4%	-	-	-	-	1 Uncond. Discharge	0.7%			1 LEAD	0.7%		
Norwich	240	81 Theft	33.8%	156 Never	65.0%	73 Nolle	30.4%	5 \$ Payment	2.1%	122 yes	50.8%	29 Community Service	12.1%		
		57 Breach of Peace	23.8%	5 Once	2.1%	9 Plea	3.8%	3 Bond Forfeiture	1.3%	86 no	35.8%	20 SA Treatment	8.3%		
		28 Trespassing/Mischief	11.7%	3 Three Times	1.3%	4 Transfer	1.7%	-	-	-	-	15 \$ Payment	6.3%		
		18 Drug	7.5%	1 Twice	0.4%	3 Dismissed	1.3%	-	-	-	-	12 MH Treatment	5.0%		
		10 Disorderly Conduct	4.2%	1 Four Times	0.4%	-	-	-	-	-	-	9 SA and MH Treatment	3.8%		
Waterbury	909	229 Theft	25.2%	316 Never	34.8%	207 Dismissed	22.8%	19 \$ Payment	2.1%	639 yes	70.3%	421 Community Court	46.3%		
		161 Drug	17.7%	288 Once	31.7%	156 Nolle	17.2%	11 Probation	1.2%	268 no	29.5%	181 SA Treatment	19.9%		
		154 Breach of Peace	16.9%	257 Twice	28.3%	146 Transfer	16.1%	9 Cond. Discharge	1.0%			26 MH and SA Treatment	2.9%		
		119 Trespassing/Mischief	13.1%	36 Three Times	4.0%	51 Plea	5.6%	6 Uncond. Discharge	0.7%			23 MH Treatment	2.5%		
		65 Interfering with Police	7.2%	10 Four Times	1.1%	-	-	2 Jail	0.2%			21 Community Service	2.3%		
Bridgeport	1737	537 Theft	30.9%	576 Never	33.2%	572 Nolle	32.9%	176 \$ Payment	10.1%	913 yes	52.6%	274 AR	15.8%		
		228 Drug	13.1%	452 Once	26.0%	280 Plea	16.1%	153 Nolle	8.8%	131 no	7.5%	125 SA Treatment	7.2%		
		195 Breach of Peace	11.2%	356 Twice	20.5%	239 Dismissed	13.8%	85 Cond. Discharge	4.9%			9 SDP	0.5%		
		179 Assault	10.3%	174 Three Times	10.0%	85 Transfer	4.9%	47 Community Service	2.7%			8 MH Treatment	0.5%		
		135 Interfering with Police	7.8%	58 Four Times	3.3%	-	-	16 Uncond. Discharge	0.9%			7 Community Service	0.4%		