



**State of Connecticut**  
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**  
**STATE AGENCY BUDGET PRESENTATION**  
**JOINT COMMITTEE ON APPROPRIATIONS**  
**FEBRUARY 24, 2023**

The Division of Criminal Justice (Division) wishes to express 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, 2025. The Division also extends its appreciation to the Governor and to the Office of Policy and Management (OPM) for their thorough and careful consideration of the Division's budget submission. The Division looks forward to working with the Committee as it proceeds to review and examine the Division's plans and goals and determination of the resources necessary to assure it continues its ability to properly fulfill its constitutionally mandated mission.

For the past three years, the Division, like all state agencies, endured a number of challenges during the pandemic. Yet when faced with courthouse and office closures, illnesses and postponed cases, the Division continued to strive every day to fulfill its important mission by upholding two of the nation's most treasured ideals: the preservation of public safety and the protection of liberty. The Division adjusted to such an extraordinary time in Connecticut's history and never wavered from its primary responsibility to ensure that these cherished concepts were properly balanced every day, in every criminal case. Employees of the Division showed that under even the most extreme circumstances, the Division must always promote respect for the rule of law, while at the same time ensuring that the enormous powers of the state do not violate the rights and liberties of Connecticut's citizens.

Three years later, a stronger Division has emerged. Anchored by the strong foundation built by its committed predecessors and its new leadership, the Division is working harder than ever to achieve an even more just and balanced Criminal Justice System that the public can have faith in and trust in its mission to investigate and prosecute all criminal matters fairly, consistently, and with the highest regard for justice, public safety, and the rights of all persons.

To that end, the Division pushed through the pandemic in its completion and creation of a number of initiatives, including its work on a strategic plan with the Center for Court Innovation, a non-profit group that promotes new thinking about how the justice system can respond more effectively to the issues prosecutors face in and out of the courtroom. That initiative involved a top-to-bottom examination of the Division's practices statewide, which culminated in a written blueprint designed for enhancing efficiency and fairness.

The Division set up the Conviction Integrity Unit, a reflection of its commitment to the ongoing duty to see that justice is done in all cases. The newly formed Unit operates as an additional layer of review, separate and apart from the post-judgment collateral challenges afforded to prisoners by statute. Completed investigations are presented to a Conviction Review Panel for a final decision. Those decisions are made known to the claimant and their attorney, to any victim of the underlying crime and made publicly available.

Last July, the Division established a new Office of Ethics and Professional Standards, headed by an Executive Assistant State's Attorney who works to ensure that the Division as a whole not only regularly examines its own operating practices but also expands the Division's efforts to promote ethical and professional standards. The Director of the Office of Ethics and Professional Standards serves as the Division's counsel in all matters and questions related to ethical conduct and professional standards and directs the development, implementation and evaluation of updated ethical and professional standards for the Division and the development and implementation of a comprehensive program of in-service staff development and training for prosecutors, inspectors and other Division staff.

The Director of the Office of Ethics and Professional Standards also serves as the Division's primary contact with the Police Officer Standards and Training Council and other law enforcement agencies and partners with them in the development of important training initiatives.

During the past six months, the Office of Ethics and Professional Standards has developed educational curricula, coordinated appropriate training programs and has served as a trusted resource to employees for ethics guidance and information. The Office also is doing a comprehensive review of current policies in place and will soon introduce and implement new standards and procedures that will help the Division meet its fundamental goal of promoting public confidence in the Division's prosecutorial decisions and in the exercise of its prosecutorial discretion in every single charge and of every single case. The Chief State's Attorney and the thirteen State's Attorneys meet as a group monthly to advise on state-wide prosecutorial standards and guidelines, and other policy matters, including peer review and the resolution of conflicts.

Since October 2021, the Division's Office of Inspector General has vigorously investigated cases of officer-involved shootings and in-custody deaths in Connecticut, issuing detailed and final reports in nine officer-involved shooting cases, three prompt preliminary reports and eight press releases.

In addition, the Division is in the process of completing its agenda for maintaining a data-driven Criminal Justice System that strives to not only promote public safety, but also applies the principles of restorative justice, diverts and connects offenders with access to treatment, care and training, establishes research-based policies and encourages transparency. To complete this necessary and important agenda, the appropriate resources need to be in place. Fulfilling the Division's budget requests will help the Division stay committed to this vital agenda that it believes will maintain credibility and trust in the Criminal Justice System in the communities the Division serves.

## **STAFFING EACH OF CONNECTICUT'S JUDICIAL DISTRICTS WITH EARLY SCREENING AND INTERVENTION RESOURCE COORDINATORS**

The Early Screening and Intervention Program (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. The ESI model is the best overall solution for Connecticut in dealing with low-level criminal matters. ESI makes it possible for cases to be examined at the earliest stages. Decisions are then made as to the best outcome with fewer court appearances and less reliance on diversionary programs or other options for low-level criminal conduct. Restorative justice seeks to resolve cases in a manner which makes victims whole while addressing the specific needs of accused persons and channels support to them to help diminish recidivism. The majority of ESI cases result in favorable dispositions.

The ESI Program has been implemented in six geographical courthouse locations in the state. Having ESI Resource Coordinators in every Judicial District ensures equity so that everyone, no matter where they live, can have access to the program. The coordinators are a vital part of the ESI Program as they are the intervention piece. As a trained social worker, they are trained in needs-based assessments for individuals and are able to direct individuals to the resources that they need to target their individualized needs. This focus on the individual rather than the nature of the offense is critical to the program's success. The Governor's proposed budget includes \$734,000 in the Division's Operating Budget which will allow the Division to expand the ESI Program to every Geographical Area (G.A.) court.

Results from collected data on the ESI program are promising. ESI diverted cases resulted in fewer court appearances, targeted resources, and significant cost and time savings. Most ESI diversions had no more than two appearances before a judge, saving time and, as a result, resources. The cost of implementing an ESI model in all of our geographical area courts would surely be outweighed by the benefits. Hiring dedicated ESI Coordinators for each Judicial District would require increased funding in the Division's operating budget yet the staffing of ESI prosecutors could be accomplished in many jurisdictions through redeployment. Any additional staffing needs could easily be met through the projected cost savings.

A recent report submitted by the Division to OPM and the Judiciary Committee in accordance with the requirements of Section 11-4a of the Connecticut General Statutes and Section 23 of Public Act 20-1 on a plan for prosecutors to review all charges before criminal cases are docketed, shows that the concept of earlier prosecutorial decision-making and prevention of appearance in court by accused individuals is clearly beneficial but can come at a cost. The way the system is now set up, according to the report, the reviews would be too costly. Yet the report makes it evident that the Division should no longer wait to equitably address any inconsistencies in the system. The ESI Program is one of the cost-effective ways to do this. The report showed that the ESI Program could be implemented quickly in each Judicial District with a small increase in Division funding.

The Division identified 1,809 individuals who successfully completed the ESI Program in calendar year 2019. Those individuals were then tracked for three years to determine if they reoffended. Re-offense, for the purposes of our analysis, is defined as a new arrest. Over the three-year time period, just over 30% of ESI participants were found to have been arrested for new offenses in Connecticut. (See Attachment A)

This rate of recidivism compares favorably to the OPM typical re-arrest rate for offenders completing prison sentences, which has ranged from 67% with the 2004 release of offenders to 60% for the group of offenders released in 2014.

The ESI Program has been run almost exclusively with grant funding from the Herbert and Nell Singer Foundation with support from the state Department of Mental Health and Addiction Services. 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.

The Division respectfully requests the Committee's consideration of additional resources to establish the ESI programming in each G.A. court on a permanent basis. We estimate the cost at \$367,000 for FY 2024 and \$367,000 for FY 2025, but again believe the program benefits outweigh that cost.

### **STAFFING EACH OF THE STATE'S 13 JUDICIAL DISTRICTS WITH DATA ENTRY PERSONNEL SUPPORTING THE DIVISION'S EFFORTS TO PROMOTE PROSECUTORIAL TRANSPARENCY**

On an annual basis, the Division takes in over 120,000 new criminal and motor vehicle cases spread throughout the court system. The rollout of the Division's new Case Management System in conjunction with the legal requirements set forth in the Transparency Bill impose requirements on existing staff that did not exist in prior years.

In order to keep up with the day-to-day case volume and data reporting in each G.A. court, extensive manual documentation is required. Accordingly, additional resources are necessary to manage the overall workload for each of the G.A. courthouses. We are also requesting funding for one supervisor to maintain continuity of training and work standards would be necessary to identify potential areas for efficiency and improvement that could make cost savings possible in the long term. The estimated cost calculated will support the 19 data entry personnel and one data entry supervisor including any necessary supplies, equipment and supervisor travel.

The Division respectfully requests the Committee's consideration of adding data entry support personnel. We estimate the increase to the budget to be \$1,138,616 for Fiscal Year 2024 and \$1,178,002 for Fiscal Year 2025. This cost increase is approximately \$56,500 for each position including estimated costs for equipment and supplies. Without this funding, the Division's ability to support the directives outlined in Public Act 19-59 will be deficient in Fiscal Year 2024.

## **STAFFING THE DIVISION WITH ADDITIONAL PROSECUTORS TO MEET THE REQUIREMENTS OF THE POLICE ACCOUNTABILITY ACT**

The Police Accountability Act requires the Division to manage the integrity and security of all additional digital data, specifically video footage, as a result of body worn camera and dashboard mounted recording devices.

Prosecutors have an ethical obligation to review all of the evidence submitted by law enforcement in order to fulfill their constitutional obligation to make sure that justice is achieved. Simply stated, prosecutors need to carefully review the evidence and documents submitted to be in a position to properly exercise their discretion to either pursue charges against an individual or, in the alternative, to pursue an outcome more tailored to an individual's mental health/homelessness/substance abuse status.

The Division analyzed the Hartford Police Department's body worn camera data to draw some limited conclusions. Hartford Police made 5,530 criminal arrests in calendar year 2021, seven percent of the statewide total. That year, Hartford Police recorded and stored 360,996 hours of body worn camera footage. The Division was able to match the Hartford Police Department's arrest incidents to data stored in the eProsecutor case management system, identifying 7,500 hours of arrest-related video. Further, the Division analyzed the video data by the severity of the crime being investigated. Serious arrests, while fewer in number, averaged more hours of video per case. (See Attachment B)

Extrapolated to statewide arrest figures in 2021, this analysis indicates that the Division could expect as much as 138,000 hours of arrest-related, body worn camera footage. In addition, police body worn cameras are not the only form of digital evidence. An increasing number of households deploy doorbell cameras that police look to for evidence in criminal cases.

Businesses were early adopters of digital surveillance systems and police interviews and interrogations are recorded on CCTV systems in departmental facilities. A digital electronic management system would provide the needed infrastructure to collect, manage, and disseminate the cache of evidence moving to digital platforms.

Laws requiring police to use body cameras and dashboard cameras are just one example of how legislative enactments have placed tremendous demands on the Division without corresponding resources. The Division has both a legal and ethical obligation not only to disclose to the defense all body camera footage, but also to have reviewed the footage ourselves to identify any potentially exculpatory material. Consider that even a relatively minor assault case may bring a response of several police officers, each of whom is wearing a body camera. The Division has the obligation to review the footage from each camera, which is becoming nearly impossible given the number of cases and amount of material the cameras are producing.

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camera in an effort to determine what should be disclosed and what should be redacted to protect both a victim's and defendant's privacy. A comprehensive review of camera footage not only ensures the public's safety but also protects the rights of the defendant. This review is becoming nearly impossible given the number of cases and amount of material the cameras are producing.

Additionally, the Division's Information Technology (IT) department requires an IT Administrator for the proper management of this data. The current IT staff consists of six individuals who support approximately 500 staff across 50 different locations. In order for all digital evidence collected as a result of the Police Accountability Act to be properly managed, shared, stored, and maintained, the Division requires additional personnel. The other expense is \$1,500/staff which includes training, equipment and supplies.

In order to support the review of the larger volume of digital evidence for Division caseloads, the Division will need to hire an additional 30 prosecutors and one IT professional. The Division respectfully requests the Committee's consideration of these additional resources. We estimate the cost at \$2,891,088 for Fiscal Year 2024 and \$2,992,276 for Fiscal Year 2025.

## **CONCLUSION**

The Division readily acknowledges the continued fiscal restraints under which all levels of government must function. The Division is a particularly well-managed agency in that it has always strived to live within its means. Additionally, the Division has maintained its highest standards of public service in spite of staffing shortages due to an onslaught of retirements in 2022 that removed from the ranks some of our most senior and experienced prosecutors, inspectors and administrative employees.

With the right resources, the dedicated public servants at the Division can continue their work to preserve public safety and protect citizens' liberties. The Division of Criminal Justice again thanks the Committee for allowing it the opportunity to address the Governor's Recommended Budget and the Division's programs and needs. The Division is available to provide any additional information or to answer any questions regarding this testimony.