

# **Early Screening and Intervention Program**

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# Key Points

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- What is ESI?
- Program Goals
- Eligible Offenses
- Excluded Offenses
- Other Eligibility Considerations
- Focus on Root Problems, Risks, and Needs
- Program Requirements
- Program Length
- Victim Contact
- Requirements, Successful Completion, Failure to Comply/Complete, or New Arrest

# What is ESI?

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The Early Screening and Intervention (ESI) Program is a prosecutor-led diversionary program with:

- A Prosecutor who identifies people charged with low-level criminal offenses and
- A Resource Counselor (employed by a nonprofit provider) who assists in providing services

Working together, the Prosecutor and Resource Counselor screen the defendant to identify underlying factors that have contributed to criminal behavior and refer the defendant to the appropriate services in the local community.

# What is ESI? (continued)

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The ESI Program addresses several criminal justice system concerns including, but not limited to:

- Lack of treatment of underlying behaviors
- Basic needs of the defendant
- Nolles without in-depth assessment and monitoring
- Too many continuances
- Criminal justice system's failure to respond adequately to the impact on victims and the local community

# Program Goals

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ESI Program goals include, but are not limited to:

- Individualized justice based on:
  - Needs of the defendant and the underlying charges
  - Services available in the community
  - Impact of the crime on the community and the victim

# Program Goals (continued)

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- Use of dedicated Prosecutors and Resource Counselors:
  - To ensure cases presenting underlying needs receive assistance that reduces future contact with the criminal justice system
  - To ensure cases without service needs are disposed with minimal court involvement
  - To ensure cases and defendants are treated similarly and consistently

# Program Goals (continued)

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- Screening low-level offenses in depth at the earliest stage in the proceedings
- Assessment of underlying factors contributing to criminal behavior
- Significant reduction in court appearances
- Locally based real-time accountability

# Eligible Offenses

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- Alcohol statute violations
- Breach of peace
- Criminal impersonation
- Criminal mischief
- Criminal trespass
- Disorderly conduct
- Drug possession
- Failure to appear
- Gambling
- Harassment
- Interfering
- Larceny 5<sup>th</sup> and 6<sup>th</sup> (shoplifting)
- Prostitution
- Solicitation of prostitution
- Threatening
- Town ordinance violations

# Excluded Offenses



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Family violence matters, operating under the influence, and crimes involving serious physical injuries are not appropriate for the ESI Program.

# Other Eligibility Considerations

Other eligibility considerations for acceptance into ESI may include:

- Criminal history including:
  - Extensive records including felonies and jail time
  - Pending cases in other GAs
  - Defendants who have participated in ESI previously
  - Monitoring defendant's probationary status as part of ESI services
- Age (18 or older)
- Victim input
- Residency

# Focus on Root Problems, Risks, and Needs

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As the Prosecutors review the police incident report and speak with the defendant, they identify any underlying needs of the individual with the following in mind:

- Substance use disorders
- Mental health concerns
- Homelessness/houselessness
- Other basic needs

# Program Requirements



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Major program requirements include:

- Substance use disorder education and treatment
- Mental health or anger management treatment
- Individual therapy
- Community Service
- Restitution
- Housing

# Program Length



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If a defendant is engaging in treatment, it is recommended that they provide at least two favorable treatment letters over a period of two to three months before the case is considered for disposition.

This is a general guideline and may vary by program, victim input, and nature of charges among other factors.

Other factors that may require a longer period of monitoring may include new arrests or substance use relapse.

# Victim Contact

As with any criminal case, victim contact must be made when appropriate.

# **Requirements, Successful Completion, Failure to Comply/Complete, or New Arrest**

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A defendant must comply with all treatment and community service requirements to remain in the ESI Program and successfully resolve their criminal case.

In addition, it is expected that the defendant should not have any new arrests.

The ESI Program holds the defendant accountable but understands that the route to success may include some setbacks.

# **Requirements, Successful Completion, Failure to Comply/Complete, or New Arrest (continued)**

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A defendant who successfully completes the ESI Program may:

- Have their case nolled and/or dismissed
- Plea to a reduced charge for probation or a conditional discharge with the requirements of continuing with treatment and no new arrests, or an unconditional discharge
  - In some jurisdictions, entering guilty pleas may occur only if the defendants are unsuccessful and/or pick up new cases

# **Requirements, Successful Completion, Failure to Comply, or New Arrest (continued)**

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A defendant who is unsuccessful in the ESI program may:

- Elect to participate in another diversionary program
- Have their case returned to the regular docket and be advised to apply for a Public Defender or hire a private attorney

# Thank you!

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