

A Guide to Special Sessions & Diversionary Programs in Connecticut

Superior Court
Criminal Division



**State of Connecticut
Judicial Branch**



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SPECIAL SESSIONS

Community Court

Domestic Violence Docket

Drug Intervention Program

Community Court

The Connecticut Judicial Branch operates two Community Court Sessions in Hartford and Waterbury. These sessions are a collaborative effort between the Judicial Branch and municipalities to address the “quality of life” crimes that contribute to the deterioration of local neighborhoods. Committed to the concept of restorative justice, the Community Courts utilize a combination of court-supervised community and social services to promote responsibility among defendants for their actions, while offering a helping hand to address the social issues that may be contributing to their behavior.

The Community Courts deal with a wide array of crimes including simple possession of marijuana, breach of peace, criminal mischief, criminal trespass, larceny (shoplifting), disorderly conduct, threatening, prostitution, solicitation of prostitutes, illegal liquor possession by a minor, public nuisance, public drunkenness, excessive noise and illegal vending.

Most defendants are ordered to perform community service in lieu of being sentenced. For example, defendants may work on a street clean-up crew or help deliver food to the needy. Upon completion of the community service, their cases are typically dismissed or nolle.

The Court also requires all defendants to meet with a member of the Community Court Social Services Team. The social services staff at both Community Court locations consists of representatives from each city’s social service agency and the State Department of Mental Health and Addiction Services (DMHAS). The court monitors and sanctions defendants mandated for treatment by the Social Services Team.

Both Community Court sessions provide forums for collaboration among those who seek to restore the quality of life in local communities.

In addition to Judicial Branch staff, on-site personnel include members from each city's Department of Human Services and the State Department of Mental Health and Addiction Services. Support from community members, local police departments, and numerous nonprofit agencies also contributes to the unique dynamics of the Court.

How can I get more information about the Community Court?

For information on the Community Court in Hartford please call: (860) 756-7015 or E-mail: Hartford.Commccourt@jud.ct.gov

For information on the Community Court in Waterbury please call: (203) 236-8271

Domestic Violence Docket

The Connecticut Judicial Branch operates family violence dockets in Waterbury, Bridgeport, Stamford and New Haven.

The family violence dockets are designed to operate under the umbrella of “vertical case management.” The key to the success of these dockets and the vertical case management concept is judicial continuity, in which each case is handled from start to finish by the same “team” of court personnel, including the judge, prosecutors, defense attorneys, family violence victim advocates, pre-trial and probation staff and treatment providers. Weekly team meetings are held to provide comprehensive court review of offender program compliance and share appropriate information to ensure victim safety.

All docket sites utilize graduated sanctions and intensive supervision to both strengthen offender accountability and ensure victim safety. Enhanced supervision options are utilized to ensure effective offender behavior change while under the supervision of the special session.

One of the sanctions that may be imposed by the court, either as a condition of pretrial release or as a part of a sentence, is an order that the defendant participate in the domestic violence offender curriculum. This curriculum, developed by a team that included three nationally known experts in the field of domestic violence, requires domestic violence offenders to report to the program twice a week for intensive psycho-educational, culturally competent, broad based, skill building behavior modification. This program requires offender accountability with the understanding that victim safety must also be ensured. The curriculum also addresses the needs of men in the areas of fatherhood, domestic violence and cultural acceptance. Additionally, substance

abuse and/or mental health evaluations, random urinalysis, and/or counseling are frequently ordered as conditions of program participation.

How can I get more information about the Domestic Violence Docket?

Please call (203) 789-6404

Drug Intervention Program

The Drug Intervention Program incorporates successful strategies and techniques for dealing with defendants with substance abuse problems into the ongoing operations of the court. It handles a wide variety of cases in which substance abuse is a prevailing issue and includes treatment, supervision and judicial monitoring. Currently, there are programs in Bridgeport, New Haven and Danielson.

Two primary goals of the Drug Intervention Program are to decrease criminal behavior and reduce substance abuse for those who participate in the intervention.

The Drug Intervention Program incorporates several levels of treatment and supervision of offenders. Regular court appearances and drug testing are required. Cases can be identified at any point in the court process and docketed for future appearances as ordered by the court. Referrals may be made by judges, defense counsel, state's attorneys or IAR/supervision officers.

For a period of twelve to fifteen months, offenders are required to report to the court for compliance monitoring and receive orders, sanctions and incentives deemed appropriate by the judge. Treatment and services are in place for the court to recommend, including detoxification, in-patient treatment, intensive outpatient treatment, as well as vocational and educational training. Daily supervision of each offender is available through alternative incarceration centers. The court, courthouse staff, and treatment/social service staff work collaboratively to monitor the progress of offenders while they remain in the Drug Intervention Program. Successful completion of this program can result in the granting of a disposition that is favorable to the defendant.

Defendants who are non-violent and drug dependent, as defined by C.G.S. § 21a-240, may be eligible for this program.

How can I get more information about the Drug Intervention Program?

Please call (203) 789-6404



DIVERSIONARY PROGRAMS

Accelerated Rehabilitation

Alcohol Education System

Drug Education Program

Family Violence Education

Community Service Labor Program

School Violence Prevention

Suspended Prosecution for Illegal Sale,
Delivery, or Transfer of Pistols or Revolvers

Youthful Offender Program

Treatment of Drug or Alcohol Dependent
Offenders in Lieu of Prosecution

Accelerated Rehabilitation

The Accelerated Pretrial Rehabilitation Program (A.R.) (C.G.S. § 54-56e) is available to certain persons charged with crimes or motor vehicle violations that are not of a serious nature, but for which a sentence of imprisonment may be imposed. This program is not available to persons charged with certain felonies, those with previous convictions, those adjudged a youthful offender within the preceding five years, or those who are eligible for or previously have used certain other diversionary programs, such as the Family Violence Education Program or the Pretrial Drug Education Program.

Prior to being granted Accelerated Rehabilitation, the defendant is required to give notice to the victim, if there is one. The victim has an opportunity to be heard on the defendant's application to the program.

If the court grants the application, the defendant is released into the custody of the Court Support Services Division (CSSD) for a period not to exceed two years.

If the defendant successfully completes the assigned program, the charges are dismissed by the court.

Unless waived by the court, the AR program requires an application fee of \$35 and a program fee of \$100. If the defendant is ordered to participate in a hate crimes diversionary program as a condition of AR, the program fee is \$425.

Alcohol Education System

The Pre-Trial Alcohol Education System (AE) (C.G.S. § 54-56g) is available to persons who are charged with driving a motor vehicle or a boat under the influence (including, but not limited to, violations of C.G.S. §§ 14-227a, 14-227g, and 15-133). Persons charged with a violation of C.G.S. § 14-227a who had the AE program invoked more than ten years earlier for a violation of 14-227a may also be granted the program.

Upon application for the Alcohol Education program, the court file is sealed. Applicants are referred to the Court Support Services Division (CSSD) for an eligibility investigation. They are also evaluated by the Department of Mental Health and Addiction Services (DMHAS), and this evaluation results in a recommendation for placement in one of three programs: (1) a ten week educational program, (2) a fifteen week educational program, or (3) a treatment program. The Court may also order participation in a victim impact panel.

If the defendant successfully completes the assigned program, the charges are dismissed by the court.

Unless waived by the court, the AE program requires an application fee of \$50, an evaluation fee of \$100, and a program fee. The program fee is \$325 if ordered into the ten-session program, or \$500 if ordered into the fifteen-session program. If the Court orders placement in a treatment program, the defendant pays the cost of that directly to the treatment provider, unless waived by the Court.

Drug Education Program

The Pre-Trial Drug Education Program (DEP) (C.G.S. § 54-56i) is available to persons charged with a violation of C.G.S. §§ 21a-267 or 21a-279. A person who previously participated in this program or in the community service labor program is not eligible for this program.

Upon application for the program, the court file is sealed.

If the court grants the application, the defendant is referred to the Department of Mental Health and Addiction Services (through the Court Support Services Division) for placement in the drug education program. In addition to the educational portions of the program, completion of four days of community service is required.

If the defendant successfully completes the program, the charges are dismissed by the court.

The Drug Education Program fee is \$350. All or a portion of the fee may be waived by the court.

Family Violence Education

The Family Violence Education Program (FVEP) (C.G.S. § 46b-38c(g)) is available to persons charged with certain family violence crimes, as defined in C.G.S. § 46b-38a. A person who previously participated in this program or in the AR program for a family violence crime committed on or after October 1, 1986 is not eligible for this program.

Notice of the defendant's request to be assigned to the program is given to the victim, and the victim is given an opportunity to be heard on the application.

If the program is granted, the defendant is released into the custody of the family violence intervention unit (CSSD) for a period not to exceed two years and under conditions set by the court.

If the defendant successfully completes the assigned program, the charges are dismissed by the court.

Unless waived by the court, the Family Violence Education Program fee is \$200.

Community Service Labor Program

Community Service Labor Program (CSLP) (C.G.S. § 53a-39c) is available to persons charged with a violation of C.G.S. §§ 21a-267 or 21a-279. A person who previously has been convicted of a violation of C.G.S. §§ 21-267, 21a-277, 21a-278 or 21a-279 is not eligible for the program.

The program may be granted (1) as a “suspended prosecution” pretrial diversionary program, or (2) for a person who has previously participated in the program, as a condition of probation or conditional discharge with a suspended sentence. No person may be placed in the program more than twice.

A person who is granted the “suspended prosecution” program is referred to the Court Support Service Division (CSSD) for placement in the program. A drug education component is required. If the defendant successfully completes the program, the charges are dismissed by the court.

The period of community service shall be a minimum of fourteen days for a first violation and thirty days for a second violation involving a plea of guilty and conviction.

There is a \$205.00 participation fee for this program.

School Violence Prevention

The Pre-Trial School Violence Prevention Program (C.G.S. § 54-56j) is available to public or private secondary school students charged with an offense involving the use or threatened use of physical violence in or on the real property of a public or private elementary or secondary school or at a school sponsored activity.

A person who previously participated in this program or who has been convicted of any offense involving the use or threatened use of physical violence in or on the real property of a public or private elementary or secondary school or at a school sponsored activity is not eligible for this program.

Upon application for the program, the court file is sealed and the applicant is referred to the Court Support Services Division (CSSD) for assessment. If accepted into the program, the defendant is placed in the school violence prevention program for one year and the defendant's progress is monitored by CSSD.

Participation in this program requires the student and their parents not to possess any firearms, dangerous weapons, controlled substances or other property or materials that are prohibited by law or in violation of the law.

The program consists of at least eight group counseling sessions in anger management and nonviolent conflict resolution.

If the defendant successfully completes the program, the charges are dismissed by the court.

The cost of participation in the school violence prevention program is paid by the parent or guardian of each student to the program provider, not to the Clerk's Office.

Suspended Prosecution for Illegal Sale, Delivery, or Transfer of Pistols or Revolvers

The Suspended Prosecution for Illegal Sale, Delivery or Transfer of Pistols or Revolvers (C.G.S. § 29-33(h)) program is available to certain persons who are alleged to have violated C.G.S. § 29-33. The program may be granted if the court finds that the violation is not of a serious nature, that the defendant has not previously been convicted of a violation of C.G.S. § 29-33 and has not previously had prosecution suspended under this section. If granted, the defendant is referred to CSSD for a period up to two years.

If the defendant successfully completes the period of probation, the charges are dismissed by the court.

There is no fee for this program.

Youthful Offender Program

The Youthful Offender Program (YO) is available to certain persons charged with committing a crime prior to their eighteenth birthday. It is not a pretrial diversionary program, but rather an alternative to prosecution as adults for such youths. All 16- and 17- year-old defendants are presumed to be eligible for YO status, except those who have been charged with certain felonies, have already been convicted of a felony on the adult docket, or have been adjudicated as a serious juvenile offender.

Youthful Offender Program

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Upon the adjudication of any person as a youthful offender, the court may (1) commit the defendant, (2) impose a fine not exceeding one thousand dollars, (3) impose a sentence of conditional discharge or a sentence of unconditional discharge, (4) impose a sentence of community service, (5) impose a sentence to a term of imprisonment not greater than that authorized by the crime committed by the defendant but in no case for more than four years, (6) impose a sentence and suspend the execution of the sentence, entirely or after a period set by the court, (7) order treatment pursuant to section 17a-699, or (8) if a criminal docket for drug-dependant persons has been established pursuant to section 51-181b in the judicial district in which the defendant was adjudicated a youthful offender, transfer the supervision of the defendant to the court handling such docket.

Records and proceedings of youthful offenders are confidential and Youthful Offender adjudications are not deemed convictions.

There is no fee for the youthful offender program. However, if a person is placed on YO probation, unless waived by the court, the probation fee of \$200 is required.

Treatment of Drug or Alcohol Dependent Offenders in Lieu of Prosecution

Courts are authorized under a separate statutory program to order offenders who are drug or alcohol dependent into treatment in lieu of prosecution or incarceration (C.G.S. § 17a-696 to 17a-699). The pretrial diversion aspect of the program covers all drug sale and possession crimes. A person charged with driving under the influence, assault in the second degree with a motor vehicle, or a class A, B, or C felony is not eligible for suspended prosecution and treatment. In addition, anyone who was twice previously ordered treated under this program or under a program covered by earlier versions of this law (C.G.S. § 17-155y(i), 19a-386, or 21a-284 of the General Statutes, revised to 1989) is not eligible. However, the court may waive these eligibility rules (C.G.S. § 17a-696).

Treatment Evaluation

The court, on its own motion or that of the state's attorney, or a person charged with or convicted (but not yet sentenced) of a crime, may order an examination to determine if a person is alcohol- or drug-dependent and eligible for treatment. A probation officer may also order such examination as part of a presentence investigation.

Suspended Prosecution

An eligible person may make a motion for suspended prosecution and treatment after the court receives the examination report. The court may order prosecution suspended and treatment for an eligible person if it finds that: (1) the person was alcohol-or drug-dependent at the time of the offense, (2) he needs and is likely to benefit from treatment, and (3) suspension of prosecution would advance the interest of justice. Prosecution may be suspended for up to two years.

Completion Of Program

If the court finds that the person is responding well to treatment or has completed treatment and has complied with the other conditions of suspension, it may dismiss the charges.

Some of this information was taken from a March 2002 report published by the Office of Legislative Research.



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