



FACT SHEET JUDICIARY COMMITTEE #7389 LCO #6950 JFS (Updated on April 12th, 2019)

AN ACT CONCERNING CONFIDENTIALITY IN THE CASE OF A DISCRETIONARY TRANSFER OF A JUVENILE'S CASE TO THE REGULAR CRIMINAL DOCKET AND IMPLEMENTING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE.

KEY REFORMS INCLUDED IN THE BILL:

Section	Key Reform	Comments
1	This section does not result from the 2019 JJPOC recommendations.	
2	<p>The removal of youth whose cases are transferred to the adult court from custody in an adult correctional system by July 1, 2021.</p> <p>This section will result in a study by January 1, 2020 that will (see section 5(C)(r) below):</p> <ul style="list-style-type: none">• Examine how other states house youth whose cases are processed in the adult court• A study on the outcomes associated with laws regarding the transfer of juvenile cases to the adult court• A plan to implement the removal of youth from adult correctional supervision	<p>It is important to put this date in the context of section 5(r) of this bill.</p> <p>Before DOC is removed from custodial responsibility for juveniles on July 1, 2021, JJPOC will conduct a study of how other states house such youth and on the public safety outcomes associated with transfer laws. That study will be presented to the general assembly in January 2020, a full year and a half before section 2 will be effective. The study will recommend a new organizational structure for how these transferred youth should be housed separate from adult offenders.</p>



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2 (cont)		In the event the proposed structure is not acceptable to the general assembly, the date in section 2 would need to be repealed.
3 and 4	The removal of youth whose cases are transferred to the adult court from custody in an adult correctional system by July 1, 2021.	These sections specifically implement the intent of removing both male and female juveniles specifically from the John R. Manson Youth Institution in Cheshire and the York Correctional Institution for Women. The effective date of these sections is July 1, 2021. If the legislature does not accept the changed organizational structure that will be recommended in the 2020 legislative sessions, these dates would need to be repealed.
5(C)(r)	The removal of youth whose cases are transferred to the adult court from custody in an adult correctional system by July 1, 2021.	This is an important section. This authorizes the JJPOC to conduct a major study on the best means of housing transferred youth in a facility that would be age appropriate and where there would be no interaction with the adult population. This report will provide the alternative housing options that will enable section 2 to be effective on July 1, 2021. Please see comments section under section 2



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6	The adoption of best practices in all juvenile correctional facilities in the areas of suicidality, trauma, mental health, substance abuse, childhood abuse and neglect, family, and the lack of effective coping skills. These practices are intended to reduce recidivism, incarceration, and ensure safety and critical services in all juvenile correctional facilities, as recommended in a major study completed in 2019 by the Office of the Child Advocate.	This section addresses best practices needed in the areas of suicidal and self-harming behaviors, solitary confinement, prohibiting the use of chemical agents, limiting the use of prone restraints on juveniles and ensuring that programs and services include behavioral intervention plans for children whose behavior interferes with the safety of others. This will ensure that youth in custody are safe and receiving the services they need to thrive and desist from further offending.
7	The adoption of best practices as it relates to the use of chemical agents or prone restraints in correctional facilities housing youth 17 years of age or younger.	This section will require regular reports to the JJPOC on all instances in the Department of Correction and the Judicial Department where chemical agents and prone restraints are used
8	The adoption of best practices in all juvenile correctional facilities in the areas of suicidality, trauma, mental health, substance abuse, childhood abuse and neglect, family, and the lack of effective coping skills. These practices are intended to reduce recidivism, incarceration, and ensure safety and critical services in all juvenile correctional facilities, as recommended in a major study completed in 2019 by the Office of the Child Advocate.	This section addresses the importance of full compliance with the National Prison Rape Elimination Act, which provides for the prevention, detection, monitoring and response to sexual abuse in adult prisons and jails, community correctional centers and juvenile facilities.



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8 (cont)		Presently, Department of Correction staffing levels are not in compliance with this law.
9	The adoption of best practices in all juvenile correctional facilities in the areas of suicidality, trauma, mental health, substance abuse, childhood abuse and neglect, family, and the lack of effective coping skills. These practices are intended to reduce recidivism, incarceration, and ensure safety and critical services in all juvenile correctional facilities as recommended in a major study completed in 2019 by the Office of the Child Advocate.	This section enhances the protection of juveniles from potential abuse and neglect in custodial settings by amending the law to add that all staff who work with children in a custodial setting, including contracted staff and ombudsman/woman, will be "mandated reporters"
9(c)		This section requires DOC and the Judicial Branch to provide training to all employees of correctional facilities where juveniles are housed on the accurate and prompt identification and reporting of child abuse and neglect.
11,12 & 13	The removal of court involvement of status offenders is consistent with national research findings that even limited contact with the justice system may increase the risk of further negative behavior on the part of youth. Such youth, including truants, runaways, and those out of control with parents are more effectively served by local diversionary and school based alternative programming. Increasing diversion is critical to both reducing recidivism and incarceration.	These sections involve the removal of the remaining categories of status offenses from referral to the juvenile courts, effective on July 1, 2020. This includes runaways and those out of control of parents. Current law would implement this on July 1, 2019, but additional time is needed by the youth services bureaus to prepare for these new referrals.



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Section	Key Reform	Comments
11, 12, & 13 (cont)		It should be noted that the largest group of status offenders, truants, were removed from juvenile court referral as of August 2017.