



## JJPOC Meeting Minutes

January 16<sup>th</sup>, 2020

2:00PM

1E

### Attendance:

Abby Anderson	John Frassinelli	Natasha Pierre	Amy Vatner
Erica Bromley	Eulalia Garcia	Maria Pirro-Simmons	Rep. Toni Walker
Francis Carino	Hector Glynn	Chief Marshall Porter	Sen. Gary Winfield
Hon. Judge Patrick Carroll	Brenetta Henry	Christine Rapillo	<b>TYJI Staff:</b>
Hon. Judge Bernadette Conway	Brian Hill	Janeen Reid	William Carbone
Rollin Cook	John Holland	Chief Otoniel Reyes	Susan Cusano
Kosta Diamantis	Sen. George Logan	Gary Roberge	Erika Nowakowski
Vannessa Dorantes	Eleanor Michael	Macklin Roman	Kelly Orts
Sarah Eagan	Desi Nesmith	Stacy Schulman	Catherine Parafati
Tais Ericson	Marc Pelka	Martha Stone	Alex Scranton

Representative Toni Walker called the meeting to order and welcomed everyone. Rep. Walker also welcomed the youth and families who were participating or in the audience for the meeting.

Rep. Walker asked for a motion to accept the minutes for the December 19<sup>th</sup>, 2019 meeting. The motion to accept the minutes was moved, seconded and passed unanimously.

### Update on Progress

William Carbone, Executive Director of the Tow Youth Justice Institute (TYJI) at the University of New Haven, reviewed the agenda for today’s meeting. The topics include discussion and voting on recommendations made by the Diversion Workgroup, Incarceration Workgroup, Education Committee, and the Group to Integrate Community Voice.

### JJPOC 2020 Workgroup Recommendations

Mr. Carbone then introduced Erica Bromley, co-chair of the Diversion Workgroup, to present the Diversion Workgroup’s 2020 Recommendations to the members of the JJPOC.

Before discussing the recommendations, Ms. Bromley briefly reviewed context for the first recommendation regarding the population of youth under the age of 12 in the state of Connecticut. Using data provided by CSSD, the members of the JJPOC were able to analyze referrals by age, charge type, demographics, handling decision, and disposition. It was also mentioned that 12

states currently have a minimum age of 10 or above, Nebraska raised their age to 11 in 2017, and California and Massachusetts raised their age to 12 in 2018 and 2019, respectively.

The Diversion Workgroup's Recommendations were as follows:

**Recommendation #1**

A. Legislation for raising the minimum age of juvenile court jurisdiction from seven years to twelve years on July 1, 2021.

1. Alternative handling for these cases will include, but not be limited to, Children's Behavioral Health Services System (DCF), Youth Service Bureaus, Juvenile Review Boards, and/or community-based services.

B. The development of a plan for ensuring that a child who would have been referred to the juvenile court system will instead be referred to the Children's Behavioral Health System (DCF), the Community-Based Diversion system, and/or other community-based services.

1. The Diversion workgroup shall develop a plan that outlines a referral process for developmentally appropriate services (screening, assessment, interventions). The plan shall be delivered to the JJPOC by January 6, 2021.

There was discussion on the potential violation of a child's constitutional rights, as well as discussion on the importance of having a plan prior to raising the minimum age.

The members of the JJPOC then voted on the proposed recommendation. A total of 27 votes were cast with 22 members voting "yea", 3 members voting "nay" and 2 members abstaining. An additional 13 members were absent and did not vote. The recommendation was **accepted**.

**Recommendation #2**

A. Beginning July 1, 2020, the legislature and the Governor adequately fund implementation of the community-based diversion system.

Mr. Diamantis proposed a friendly amendment to rephrase "adequately fund" to "within available appropriations." A discussion was held as to what the implications of this language change could be.

Rep. Walker then proposed a friendly amendment to remove the word “adequately” from the recommendation. This friendly amendment was **accepted**.

The members of the JJPOC then voted on the proposed recommendation. A total of 26 votes were cast with 24 members voting “yea” and 2 members abstaining. An additional 14 members were absent and did not vote. The recommendation was **accepted**.

### **Recommendation #3**

A. The development and implementation of a funded statewide data-base system within the Youth Service Bureau System. The data system is necessary for monitoring, tracking, evaluating and for case management purposes. A data system is critical for evaluation based on the numerous reforms made to the FWSN laws and the implementation of the Community Based Diversion System.

The members of the JJPOC then voted on the proposed recommendation. A total of 26 votes were cast with 25 members voting “yea” and 1 member abstained. An additional 14 members were absent and did not vote. The recommendation was **accepted**.

## **Incarceration Workgroup**

Mr. Carbone then introduced Christine Rapillo, co-chair of the Incarceration Workgroup, to present the Incarceration Workgroup’s 2020 Recommendations to the members of the JJPOC.

The Incarceration Workgroup’s Recommendations were as follows:

### **Recommendation #1**

- A. The laws on juvenile transfer be amended to limit both the number of cases eligible for mandatory and discretionary transfer in order to decrease the population of youth in the adult criminal justice system.
  - 1. Cases with A felonies remain as automatic transfers
  - 2. Cases with B felonies be removed from automatic transfers and, instead, receive a discretionary hearing
  - 3. Cases with C, D, E, or unclassified felonies be removed from transfers entirely.
  - 4. The criteria for transfers to the criminal justice system be amended to specify the need of presenting an imminent risk of death or serious physical injury to the public.
- B. A “second look” provision be adopted for all youth transferred to adult court who receive sentences of incarceration. This “second look” will require a sentence review by the sentencing court prior to the youth’s 18th birthday to determine the need for continued incarceration.

A discussion was held on the specific language of the proposed recommendation.

Mr. Diamantis proposed a friendly amendment to replace the phrase, “by the sentencing court prior to the youth’s 18<sup>th</sup> birthday” with, “within 50% completion of the sentence or by the youth’s 18<sup>th</sup> birthday, whichever is sooner”. The friendly amendment was **accepted**.

Mr. Carino made a suggestion to vote separately on Part A & B of Recommendation 1. There was no objection by the members of the JJPOC in regard to the request.

The members of the JJPOC then voted on Recommendation 1A. A total of 26 votes were cast with 21 members voting “yea”, 3 members voting “nay” and 2 members abstaining. An additional 14 members were absent and did not vote. The recommendation was **accepted**.

The members of the JJPOC then voted on Recommendation 1B. A total of 26 votes were cast with 22 members voting “yea”, 2 members voting “nay” and 2 members abstained. An additional 14 members were absent and did not vote. The recommendation was **accepted**.

### **Recommendation #2**

A. Legislation be proposed to provide the automatic erasure of certain juvenile records, and elimination of the petition requirement that exists in current law which youth and families rarely avail themselves of. Specifically, this proposal would do the following:

1. It would provide for automatic erasure of juvenile records after the existing statutory waiting period of two years, for any juvenile offense that is not a serious juvenile offense.
2. It would still require youth with serious juvenile offenses to petition to have their records erased after the existing required four-year waiting period.
3. It would not impact the ability to petition earlier by requesting a hearing for good cause for any youth with a record.

There was a friendly amendment made by Mr. Carino to add, “After the existing statutory waiting period of 2 years and fulfillment of the requirement that there is no conviction on any additional offense.” The amendment was **accepted**.

The members of the JJPOC then voted on the proposed recommendation. A total of 26 votes were cast with 25 members voting “yea” and 1 member voting “nay”. An additional 14 members were absent and did not vote. The recommendation was **accepted**.

### **Recommendation #3**

1. A bill in the General Assembly which reads,

“Beginning July 1, 2020, telephone services or any other telecommunications services provided to a child confined in a correctional facility or transferred to DOC shall be provided free of charge”

2. Beginning July 1, 2020, a committee be established to study phone call rates and commissary needs for all youth, 18-21 years of age, confined in Connecticut correctional facilities, and such committee shall make recommendations to the General Assembly and Department of Administrative Services prior to the renegotiation of the current prison phone services contract set to expire March 1, 2021.”

Brief discussion was had on possible funding needed to implement this recommendation. Based on last year’s proposal, the amount is not expected to exceed \$50,000 and would help to promote family involvement.

The members of the JJPOC then voted on the proposed recommendation. There were 26 votes cast with 20 members voting “yea”, 4 members voting “nay” and 2 members abstained. An additional 14 members were absent and did not vote. The recommendation was **accepted**.

### **Education Committee**

Due to time constraints, Rep. Walker asked that consideration and voting for this recommendation be postponed until the February JJPOC meeting.

### **The Group to Integrate Community Voice**

Due to time constraints, Rep. Walker asked that consideration and voting for this recommendation be postponed until the February JJPOC meeting.

**Next Meeting:** February 20<sup>th</sup>, 2020 2:00pm

Meeting adjourned at 3:45pm.

\*Audio and/or video of the meeting can be found on

[https://www.cga.ct.gov/app/taskforce.asp?TF=20141215\\_Juvenile%20Justice%20Policy%20and%20Oversight%20Committee](https://www.cga.ct.gov/app/taskforce.asp?TF=20141215_Juvenile%20Justice%20Policy%20and%20Oversight%20Committee)