



## **Juvenile Justice Policy and Oversight Committee**

### **Proposed 2020 Recommendations For Discussion and Adoption**

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

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## I. 2020 JJPOC RECOMMENDATIONS IN BRIEF

<b>DIVERSION WORKGROUP RECOMMENDATION 1</b>	<p>JJPOC recommends:</p> <ul style="list-style-type: none"> <li>A. Legislation for raising the minimum age of juvenile court jurisdiction from seven years to twelve years on July 1, 2021. <ul style="list-style-type: none"> <li>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</li> </ul> </li> <li>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. <ul style="list-style-type: none"> <li>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.</li> </ul> </li> </ul>	<p><b>Implementation Strategies</b></p> <p>Legislation</p>
<b>DIVERSION WORKGROUP RECOMMENDATION 2</b>	<p>JJPOC recommends that:</p> <ul style="list-style-type: none"> <li>A. Beginning July 1, 2020, the legislature and the Governor fund implementation of the community-based diversion system.</li> </ul>	<p>Funding</p>
<b>DIVERSION WORKGROUP RECOMMENDATION 3</b>	<p>JJPOC recommends:</p> <ul style="list-style-type: none"> <li>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</li> </ul>	<p>Funding</p>

	critical for evaluation based on the numerous reforms made to the FWSN laws and the implementation of the Community Based Diversion System.	
<b>EDUCATION COMMITTEE RECOMMENDATION 1</b>	<p>JJPOC recommends that:</p> <p>A. Current legislation be amended to expand USD #2 (DCF school district) and authorize it to provide for the education of youth in all juvenile justice out-of-home placements including incarcerated youth.</p> <ol style="list-style-type: none"> <li>1. The expanded USD#2 may hire its own personnel, and/or subcontract to private providers and/or other school districts for the provision of services.</li> <li>2. The expanded USD#2 will create an advisory board of interested parties including, but not limited to, members from: <ol style="list-style-type: none"> <li>a. Judicial Branch CSSD</li> <li>b. DOC</li> <li>c. SDE</li> <li>d. the community; including, but not limited to, members with expertise in provision of education, mental and behavioral health services, social work services, and advocacy.</li> </ol> </li> <li>3. USD#2 is authorized to operate as other school districts function within the state.</li> <li>4. USD #2 will be adequately funded and resourced to accommodate for its expansion.</li> <li>5. USD#2 administration will develop and review quarterly reports on academic performance, school discipline, attendance, etc.</li> <li>6. USD#2 administration will require subcontracted education providers (no less than semi-annually) to provide student performance data to ensure that reporting measures are tailored to</li> </ol>	Legislation & Funding

	<p>experiences of students in short and long-term placements.</p> <ol style="list-style-type: none"> <li>7. USD#2 administration will require education providers to develop partnerships and programs with local education agencies, non-profit cultural groups, local industries, and businesses.</li> <li>8. In all instances where there is a nexus, local LEAs will retain responsibility for the cost of educating their pupils within USD#2 and will reimburse USD#2 for such costs.</li> <li>9. USD#2 will be required to report student performance data, attendance, and rates of participation for all education programs. They will also be required to document transition activities and outcomes, collaborations with community service providers, and parents.</li> <li>10. USD#2 will ensure that students earn credits toward high school graduation, have access to arts and career and technical education (CTE) courses, statewide and college prep testing, and provide alternative options for HS equivalency certificates for students who are overage and under credits.</li> <li>11. USD #2 will enable students to have access to web-based content including credit recovery programs.</li> </ol>	
<p><b>EDUCATION COMMITTEE RECOMMENDATION 2</b></p>	<p><b>JJPOC recommends that:</b></p> <ol style="list-style-type: none"> <li>A. USD #2 <i>employ transition specialists</i> whose primary responsibility is to facilitate the successful transition of youth from secure facilities back to the communities. These transition specialists shall: <ol style="list-style-type: none"> <li>1. Collaborate with receiving schools, youth serving agencies, employers, and other community supports to plan and manage successful transition.</li> <li>2. Manage to track educational credits of youth while in out of home placement and document the success of placements</li> </ol> </li> </ol>	<p>Legislation</p>

	<p>following youths' reentry into their communities.</p> <ol style="list-style-type: none"> <li>3. Be responsible for communicating with the reentry coordinators. This information will be used in reporting by the receiving district LEA or the district of nexus, if applicable.</li> </ol> <p>B. <i>Reentry coordinators</i> (established per PA 18-31 Sec. 7(q)) shall be responsible for obtaining records of youth in juvenile justice out of home placement and assisting in transfer of the records to the facility.</p> <ol style="list-style-type: none"> <li>1. The list of reentry coordinators shall be distributed to system stakeholders, including DOC, DCF, CSSD and parents of students. This list should also be made public and displayed on the SDE website.</li> <li>2. SDE should implement and maintain a current list of reentry coordinators. This list should be reviewed and updated concurrently with the August 1<sup>st</sup> statutory guideline. In districts under enrollment of 6,000, an alternate will be identified to coordinate the reentry process.</li> </ol> <p>C. An amendment to C.G.S § 10-253 (g)(7) &amp; (g)(8) be made to read, "(7) When a child is not enrolled in a school district at the time of a juvenile justice out-of-home placement, <u>or upon discharge does not return to the same school where the child was previously enrolled,</u>" "(8) Upon learning that a child is to be discharged, the educational services provider for the facility shall immediately notify the jurisdiction in which the child will continue his or her education after discharge. <u>A child shall have the right to enroll in such school district immediately upon discharge into the community, as provided in subsection (7).</u>"</p> <p>D. Legislation to require special education students in juvenile justice out-of-home</p>	
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	<p>placements, when at all possible, be provided PPT meetings upon entry and in advance of their discharge to plan for their program and placement in their receiving school district.</p> <ol style="list-style-type: none"> <li>1. For youth who are sentenced or given an order of probation supervision with residential placement, a transition PPT meeting should be held 30 days in advance of the youth's known date of discharge. Both the discharging and receiving school district shall participate in this PPT meeting and a person knowledgeable about the continuum of programmatic offerings available in the receiving district shall participate in the meeting.</li> </ol>	
<p><b>EDUCATION COMMITTEE RECOMMENDATION 3</b></p>	<p><b>JJPOC recommends that:</b></p> <ol style="list-style-type: none"> <li>A. USD#2 ensure that sending and receiving schools and programs provide services and supports that maximize student's success. <ol style="list-style-type: none"> <li>1. Use a uniform system of state-wide electronic record transfers (i.e. Powerschool, PSIS) for maintaining and sharing educational records for all students, including court-placed youth in educational programs, to be overseen by a Directory Manager as designated by USD#2 and align with the IEP Task Force.</li> </ol> </li> <li>B. A student's home district should be mandated to offer home district diplomas earned by students 17 and above graduating while in educational programs for court-placed youth who meet the statutory graduation requirements. If no nexus district can be determined, DCF will participate in the determination of credits and facilitate in the issuance of a diploma. There should be flexibility and collaboration in this process with the student's home district and special school districts.</li> </ol>	<p>Legislation</p>

	<p>B. State-wide expectations should be established for ensuring credit transfers/partial credit transfers.</p> <ol style="list-style-type: none"> <li>1. Classroom hour-to-credit conversion should be standardized within USD #2</li> <li>2. Credits should be awarded as soon as possible, but no later than 30 days of the transfer to the home district.</li> <li>3. At intake, it is recommended that a review be done of the student's transcript and attendance records to determine educational requirements up to graduation. Credits should be transferred from the home district within 5 school days of students' placement.</li> </ol> <p>C. A timeframe should be established for updating educational records pre-discharge.</p> <ol style="list-style-type: none"> <li>1. At a minimum, educational records should be up-to-date per marking period, as well as immediately upon discharge.</li> </ol>	
<p><b>INCARCERATION WORKGROUP RECOMMENDATION 1</b></p> <p>Submitted in accordance with the requirements of Public Act 19-187(r).</p>	<p>JJPOC recommends that:</p> <p>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.</p> <ol style="list-style-type: none"> <li>1. Cases with A felonies remain as automatic transfers</li> <li>2. Cases with B felonies be removed from automatic transfers and, instead, receive a discretionary hearing</li> <li>3. Cases with C, D, E, or unclassified felonies be removed from transfers entirely.</li> <li>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.</li> </ol>	Legislation



	<p>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 within 50% of their sentence, or by their 18<sup>th</sup> birthday (whichever comes first) to determine the need for continued incarceration.</p>	
<p><b>INCARCERATION WORKGROUP RECOMMENDATION 2</b></p>	<p>JJPOC recommends:</p> <p>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:</p> <ol style="list-style-type: none"> <li>1. It would provide for automatic erasure of juvenile records after the existing statutory waiting period of two years and fulfillment of the requirement that there be no additional offenses, for any juvenile offense that is not a serious juvenile offense.</li> <li>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.</li> <li>3. It would not impact the ability to petition earlier by requesting a hearing for good cause for any youth with a record.</li> </ol>	<p>Legislation</p>
<p><b>INCARCERATION WORKGROUP RECOMMENDATION 3</b></p>	<p>JJPOC recommends:</p> <p>A. 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”</p> <p>B. 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</p>	<p>Legislation</p>

	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.”	
<b>COMMUNITY EXPERTISE WORKGROUP RECOMMENDATION 1</b>	<b>JJPOC recommends that:</b> A. The General Statutes be amended to increase the membership of JJPOC by two community members and two youth (must be under 26 years of age) with first or second-hand justice system involvement. Funding should be provided for stipends, transportation, and child care to enable member attendance.	Legislation & Funding

## II. CONNECTICUT'S PROGRESS IN JUVENILE JUSTICE REFORM

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In 2014, The Juvenile Justice Policy and Oversight Committee (JJPOC) was created by Public Act 14-217 and charged with evaluating policies related to the juvenile justice system. The committee was tasked with recommending changes in state law regarding juvenile justice, crafting a standard definition of recidivism, setting goals for reform, assessing the impact of Raise the Age, assessing the quality of education within the juvenile justice system, planning for implementation of Results-Based Accountability (RBA) by agencies, analyzing the existence of disproportionate minority contact (DMC) across the juvenile justice system, reporting to the state on the quality and effectiveness of a variety of programs in community supervision, congregate care, diversion, behavioral health, and other areas.

The Juvenile Justice Policy and Oversight Committee (JJPOC) has been successful every year since 2015 putting forth recommendations that are based on best practices in order to improve the State's juvenile justice system.

Early on, the JJPOC developed goals to improve youth justice in the state of Connecticut to be achieved by mid-2018:

- Increase diversion of children and youth from juvenile court by 20%;
- Decrease the number of children and youth confined (incarcerated) in state-run facilities by 30%; and
- Decrease the rate of recidivism among juvenile offenders by 10 %

Workgroups and sub-workgroups were established across the state toward each of those goals as well as a Cross Agency Data-Sharing Workgroup. Each year, the Cross-Agency Data Sharing Workgroup co-chairs present a progress report on the status of the established numerical targets for the goals. By Fall 2018, the state's juvenile justice system exceeded two of the three identified goals. Reduction in incarceration reached more than 50% far exceeding the goal; the increase in diversion reached 30%, also far exceeding the goal; the reduction in recidivism is not yet at the promised 10% level. It is stalled at 2%, but largely due to the changing nature of the juvenile populations.

As the timeline for the original goals expired, the JJPOC set forth and produced new goals to be achieved by mid-2021:

- Limit youth entry into the justice system
- Reduce incarceration
- Reduce racial & ethnic disparities of youth in Connecticut's juvenile justice system
- Right-size the juvenile justice system by setting appropriate lower and upper age limits

In recent years, the JJPOC has helped pass a series of legislative reforms. These include:

**P.A. 17-2 - AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2019, MAKING APPROPRIATIONS THEREFOR, AUTHORIZING AND ADJUSTING BONDS OF THE STATE AND MPLEMENTING PROVISIONS OF THE BUDGET** included:

- Effective 7/1/2018, the court is authorized to sentence children who have been convicted as delinquent to a period of probation that may include placement in a residential facility, in addition to the existing menu of orders and conditions available to the court.
- The Judicial Branch will expand its contracted juvenile justice services to include a comprehensive system of graduated responses with an array of services, sanctions and secure placements.
- Effective July 1, 2019, children identified as Families with Service Needs (FWSN) will no longer be referred to the courts. This recommendation addresses the remaining categories (Beyond Control, and Runway) under the FWSN law. The major FWSN category – truants and defiance of school rules - has already been removed from juvenile court jurisdiction effective August 15, 2017.
- Requires the Office of Policy and Management (OPM) to report annually on juvenile recidivism, with the first report due no later than August 15, 2018.
- Mandates that DCF and the Children's Mental, Emotional and Behavioral Health Plan Implementation Advisory Board extend their focus to justice system-involved youth.
- On or before July 1, 2018, the Department of Children and Families, in collaboration with the Children's Mental, Emotional and Behavioral Health Plan Implementation Advisory Board, shall submit recommendations for addressing any unmet mental, emotional and behavioral health needs of children that are attributed to an increased risk of involvement in the juvenile and criminal justice systems.
- Identifying and addressing any increased risk of involvement in the juvenile and criminal justice system attributable to unmet mental, emotional and behavioral health needs of children.
- On and after July 1, 2018, no child who has been convicted as delinquent may be committed to the Department of Children and Families as a result of such conviction.
- The Judicial Branch shall expand its contracted-for juvenile justice services to include a comprehensive system of graduated responses with an array of services, sanctions and secure placements available for the court and juvenile probation officers and other staff of the CSSD to use in order to provide individualized supervision, care, accountability and treatment to any child who has been convicted as delinquent in a manner consistent with public safety in order to (1) deter any such child from the commission of any further delinquent act, and (2) ensure that the safety of any other persons will not be endangered.
- There shall be a transitional period commencing July 1, 2018, and ending not later than January 1, 2019, during which period the Judicial Branch may place a child who has been convicted as delinquent in a congregate care setting operated by the Department of Children and Families or order that such child to receive community-based services provided by said department, if the department operated such setting or provided such services to children convicted as delinquent, prior to July 1, 2018. The Commissioner of Children and Families shall enter into an agreement with the Judicial Branch to allow for the use of such settings and services, and the costs of said settings and services shall be paid by the Judicial Branch to the department.

**P.A. 18-31 - "AN ACT CONCERNING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE AND CONCERNING TRANSFER OF JUVENILE SERVICES FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE COURT SUPPORT SERVICES DIVISION OF THE JUDICIAL BRANCH":**

- Codified in legislation both the Community-based Diversion System Plan developed in January 2017 and the School-based Diversion Framework developed in January 2018, whereby 1) Youth Services Bureaus are identified as the primary agent for diversion of children from the juvenile justice system, 2) a newly developed process for making referrals of juvenile justice children from police, schools and other agents to the youth services bureau system is implemented, and 3) priority strategies for school-based diversion: disciplinary policy review, use of community resources such as the Emergency Mobile Crisis Teams, improved professional development for school staff are addressed.
- Created a new Education Committee on improving the educational services to youth in out of home placement.
  - By 1/1/21, a single agency will be in charge of a statewide system of education transitional supports for children in custody.
  - By 7/1/18, the JJPOC will convene a committee, the members of which are designated in the bill, to develop the plan mentioned above. The education committee has been formed and is chaired by State Rep. Robyn Porter, and Joshua Perry. The membership includes 11 key stakeholders and convened September 2018. It plans to meet monthly throughout 2019.
  - By 1/1/19, the JJPOC will receive a report from such committee and propose legislation to vest responsibility for the education of children in custody in a single state agency that will provide all education and related transitional supports, effective July 1, 2020.
  - Among the many things that the Plan must address are the following: the range of services for the justice-involved youth must include, at a minimum, a traditional high-school diploma program, an accelerated credit recovery program, vocational training, and access to post-secondary options. Additionally, a recommendation was made to submit a plan for a single agency to be in charge of a statewide system for education transitional supports for children in custody.
  - The Board and the Superintendent of the Technical Schools must submit a plan to accomplish this by January 1, 2019, to both the JJPOC and the appropriate committees of the legislature. The collaboration is intended to create a pathway to enrollment and the technical schools are called upon to amend their admission criteria to enable this change.
- Mandates that by January 1, 2020, the JJPOC shall report on a Justice Reinvestment Plan that will allow for the reinvestment of a portion of the savings from the decreased use of incarceration and congregate care programming to become strategic investments in home, school and community based behavioral health services for children diverted from the juvenile justice system

**P.A. 19-187 – “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”:**

- No later than January 2020, the Committee shall review methods other states employ to transfer juvenile cases to the regular criminal docket and detain the aforementioned juveniles. The review shall consider the impact on public safety as well as the effectiveness of changing behaviors of the juveniles. It shall also include organizational and programmatic alternatives. The implementation plan should be effective no later than July 1, 2021, with cost options
- No later than July 1, 2020, best practices shall be developed in the areas of suicidal and self-harming behavior, solitary confinement, and programs & services. There should also be developmentally appropriate and recreational opportunities for detained youth and their family members. These practices shall be implemented no later than July 1, 2021.
- No later than January 15th of every year, the DOC and CSSD will report on suicidal and self-harming behaviors, use of force, and imposition of physical isolation for juveniles in their care. The reports shall also include any educational and mental health concerns.
- No later than January 15th of every year, the DOC and CSSD will report on their compliance to all PREA standards for the previous calendar year.
- No later than August 1, 2020 and monthly thereafter, the DOC and CSSD will report to the JJPOC on each instance of the use of chemical agent and prone restraints on any juvenile in their custody.
- Effective July 1, 2020 ombudsperson services shall be “independent” of the agency that they serve
- Effective June 30, 2020 Families with Service Needs (FWSN) will include runaways, children beyond control of their parents, and juveniles who engage in indecent or immoral conduct. These populations will no longer be referred to the juvenile courts.

### III. 2020 RECOMMENDATIONS IN DETAIL FROM THE DIVERSION WORKGROUP

#### Goal: Limit youth entry into the justice system.

*Connecticut is committed to preventing youth from entering the formal justice system by appropriately serving them by alternative means or systems (e.g., community-based diversion, restorative justice approaches, mental/behavioral health services, etc.) in order to achieve better outcomes for youth.*

#### DIVERSION WORKGROUP RECOMMENDATION 1

#### JJPOC recommends:

- 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.

#### BACKGROUND

The Raising the Lower Age Limit subgroup within the Diversion workgroup has concentrated its efforts into reviewing the Minimum Age of Criminal Responsibility (MACR) within the state of Connecticut. The current statute in Connecticut sets the minimum age of juvenile court jurisdiction at seven. The MACR of 7 is relatively low when compared to national and international trends and standards. There are 22 states with the MACR ranging from 6-12 years of age. Nebraska recently established a new MACR of 11 in 2017 and Massachusetts raised their MACR from 7 to 12 in 2018. California did not have an established MACR but recently passed a bill that implements a MACR of 12 in 2019. Internationally, the United Nations Convention on the Rights of the Child, who serves as an international human rights instrument, declared the criminal prosecution of a child under the age of 12 as unacceptable. Since this recommendation, 40 countries have either established or increased their MACR to meet these standards. Currently, the median MACR around the world is 12-13 years old. With these trends, Connecticut seeks to remain a leader in



juvenile justice reform, increase the MACR to be more developmentally appropriate, and become aligned with research and best practice from around the world.

## **DATA**

In recent years, the number of referrals for youth under 12 averaged about 130 referrals per year. Overall, referrals for this population have decreased over the years, and as of recent years, have remained relatively stagnant.

As an overall trend, youth under 12 are mainly referred for misdemeanors. In the past three years, an average of 78% of referrals among this population were for misdemeanors. The majority of cases for youth under 12 are handled non-judicially. In recent years, slightly more than half of the referrals were handled non-judicially. In 2018 and 2019, almost 80% of all cases were handled non-judicially. In addition, the number of cases not accepted have increased.

Regarding disposition for youth under 12, the majority of cases are not prosecuted or not accepted. Of the cases handled non-judicially, over half were handled with supervision, and the remaining half were handled with either discharge, or not prosecuted. Specifically, with referrals that were not accepted, nearly all the youth were referred to JRB's. For clients that were disposed to supervision, some treatment programs included, educational support services, mentoring, and individual counseling.

Based on risk assessment of supervised youth, the data shows a vast majority are identified as low or null risk. Looking at 2019 specifically, about 84% of referred youth under 12 were identified as low or null risk. The recidivism rate for youth referred prior to July 1st, 2018, is about 27.4%, with those clients only ranging between the ages of 8 and 11. Decades of research have shown that formally processing youth in the juvenile justice system does not prevent future crime and, instead, increases the likelihood of future criminal behavior by deterring psychosocial development.

## **POTENTIAL IMPACT**

Based on the research presented, increasing the MACR to 12 years will give juveniles under the age of 12 a chance to engage in diversionary alternatives prior to formal processing. This opportunity avoids potential lifelong consequences of trauma and recidivism. Children who are arrested or charged are significantly more likely to have histories of child maltreatment or underlying, unaddressed behavioral health conditions.

While there may be a greater need to support and reallocate additional resources to these alternative systems and programs, such as Youth Service Bureaus (YSB) or Department of Children and Families (DCF), the population of juveniles below 12 is a significantly smaller population. The state data shows that as the age of youth increase, the number of referrals tend to increase. The majority of the referrals for youth under 12 fall between the ages of 10 to 11. In recent years, youth under 9 were a minimal proportion of this young offender population. For example, in 2019, the 6 to 10 age bracket made up only 33 of the 112 referrals, with the remaining 79 referrals being 11 years old. The additional support needed for this population will be minor for community systems as a whole, but significant for the child's future success.



Research shows the mental capacity, neurological development, and competency of a child is significantly less developed than an adult. An increased minimum age would acknowledge the scientific differences in cognitive maturity of young children, even in comparison to their teenage counterparts. Their brains are “unstable;” they have not yet attained mature cognitive abilities to respond effectively to situations that require careful or reasoned decisions, and they may be more inclined than adults to act impulsively and without planning. Due to Connecticut lacking a statute mandating juvenile competency hearings, it is vital to address standards of competency in other ways, such as setting a minimum age that is developmentally appropriate and based on neuroscience and developmental psychology.

**DIVERSION  
WORKGROUP  
RECOMMENDATION 2**

**JJPOC recommends that:**

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

**BACKGROUND**

The Community-Based Diversion system addresses criminogenic, social/emotional, behavioral, mental health and academic needs of at-risk pre-delinquent and delinquent youth within the context of their family, school, and community supports and services such that *no child is entered into the juvenile justice system without having exhausted appropriate community resources.*

The Community-Based Diversion System addresses minor criminal offenders, status offenders and children and youth exhibiting status offense behavior. The Community-Based Diversion System maximizes existing mechanisms, systems, and relationships to more efficiently connect children and their families with resources in their community and divert children from the care of state agencies. It essentially weaves a system of supports from existing programs and services, and enhances an array of services that may currently be under-funded, structurally fragmented, not distributed to match the demand, have limited access due to agency contract restrictions, and in some communities, under-utilized.

The Community Based Diversion System promotes the integration of the YSB system with the behavioral health care coordination system, which are both critical components in serving at risk youth. As the hub in the Diversion System, the YSBs coordinate services and referrals inclusive of both community-based supports and more intensive clinical programming. A collaborative process between the two groups is called for in order to best meet the needs of the diverted juvenile justice population.

**DATA**

The following data was presented at the July 19th, 2019 JJPOC meeting. This collection of data was compiled by the Judicial Branch’s Court Support Services Division (CSSD) for the JJPOC Diversion workgroup, and contains descriptive information about Family With Service Needs (FWSN) referrals to court during the period 2010 through May of 2019. FWSN referrals consist of defiance of school rules, truancy, beyond control, runaway, and indecent/immoral conduct.

In 2019 there were 152 Families with Services Needs referrals to the court. Of the 152 court referral 149 of them were unique clients. 65.13% of the FWSN referrals were beyond control, 32.24% runaway, with very small percentages falling within indecent/immoral conduct. The treatment needs of these children varied from educational advocacy, basic needs, crisis intervention, pro-social activities, life skills, and cognitive behavior based psychoeducational groups.

The Community Based Diversion System was created to support the needs of at-risk and delinquent youth, including status offenders and those exhibiting status offense behaviors. In July of 2020, all remaining FWSN behaviors will be removed from Juvenile Court jurisdiction. These cases will go to the Community based Diversion System similar to previous changes made in the FWSN laws.

### **POTENTIAL IMPACT**

The Community-Based Diversion System maximizes existing mechanisms, systems, and relationships to more efficiently connect children and their families with resources in their community and divert children from the care of state agencies. The benefits of a fully implemented Community-Based Diversion System include: 1) Decreased referrals to Juvenile Court; 2) Increased participation in appropriate services and programs, 3) Increased family engagement; 4) Decreased recidivism; 5) Reduction in the stigma/labeling associated with formal juvenile justice system involvement; and 6) Reduction in the costs associated with crime and incarceration.

#### **DIVERSION WORKGROUP RECOMMENDATION 3**

#### **JJPOC recommends:**

- 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.

### **BACKGROUND**

The YSB System does not have a web-based system created for their needs, despite the fact they are responsible for reporting information and outcomes to a variety of state agencies. The current method of data collection is not sufficient and does not produce complete quality data on a consistent basis. Accountability also needs to be strengthened for the YSB system in its required data collection and reporting.

### **DATA**

Data to be collected would be similar in type to what is being collected now, which includes all demographic information, reasons for referral, services received, other case specific information (background, other issues, etc.), JRB information (which is extensive), plus results of the Ohio Scales Screening tool, and outcomes specific to the work being done (to be developed by CT Youth Services Association in conjunction with DCF).

### **POTENTIAL IMPACT**

With a web-based system that is tailored to the needs of the YSB system, accountability would increase, clarity would be provided for how to input data and submission of complete records would occur on a more

regular basis. With a data base that collects necessary information in a user friendly manner, better reports could be generated for the legislature, state agencies and for the YSBs individually for their own community purposes. The quality of data would improve, outcomes could be added to a new data system and new measures could be collected. The ability to critically analyze data will only help in the ability to better tell the story of the YSB system and those it serves, as well as aid in requesting adequate funding for the system based on data and outcomes.

#### IV. 2020 RECOMMENDATIONS IN DETAIL FROM THE EDUCATION COMMITTEE

##### **Mission: Improve educational services for youth in an out-of-home placement.**

*Connecticut is committed to ensuring that youth in an out-of-home placement have access to the highest quality of educational programming available. This includes providing smooth transitions to and from the community, offering specialization and expertise, and holding the entire system accountable.*

<p><b>EDUCATION COMMITTEE RECOMMENDATION 1</b></p>	<p>JJPOC recommends that:</p> <ol style="list-style-type: none"> <li>A. Current legislation be amended to expand USD #2 (DCF school district) and authorize it to provide for the education of youth in all juvenile justice out-of-home placements including incarcerated youth. <ol style="list-style-type: none"> <li>1. The expanded USD#2 may hire its own personnel, and/or subcontract to private providers and/or other school districts for the provision of services.</li> <li>2. The expanded USD#2 will create an advisory board of interested parties including, but not limited to, members from: <ol style="list-style-type: none"> <li>a. Judicial Branch CSSD</li> <li>b. DOC</li> <li>c. SDE</li> <li>d. the community; including, but not limited to, members with expertise in provision of education, mental and behavioral health services, social work services, and advocacy.</li> </ol> </li> <li>3. USD#2 is authorized to operate as other school districts function within the state.</li> <li>4. USD #2 will be adequately funded and resourced to accommodate for its expansion.</li> <li>5. USD#2 administration will develop and review quarterly reports on academic performance, school discipline, attendance, etc.</li> <li>6. USD#2 administration will require subcontracted education providers (no less than semi-annually) to</li> </ol> </li> </ol>
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	<p>provide student performance data to ensure that reporting measures are tailored to experiences of students in short and long-term placements.</p> <ol style="list-style-type: none"> <li>7. USD#2 administration will require education providers to develop partnerships and programs with local education agencies, non-profit cultural groups, local industries, and businesses.</li> <li>8. In all instances where there is a nexus, local LEAs will retain responsibility for the cost of educating their pupils within USD#2 and will reimburse USD#2 for such costs.</li> <li>9. USD#2 will be required to report student performance data, attendance, and rates of participation for all education programs. They will also be required to document transition activities and outcomes, collaborations with community service providers, and parents.</li> <li>10. USD#2 will ensure that students earn credits toward high school graduation, have access to arts and career and technical education (CTE) courses, statewide and college prep testing, and provide alternative options for HS equivalency certificates for students who are overage and under credits.</li> <li>11. USD #2 will enable students to have access to web-based content including credit recovery programs.</li> </ol>
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## **BACKGROUND**

Public Act 18-31 established an education committee to develop a detailed plan addressing concerns with overall coordination, supervision, provision and direction of all academic services and programs for youth in out of home placement.

The committee was placed into effect on July 1st, 2018 and began to meet regularly to address the following: the range of services for the justice-involved youth must include, at a minimum, a traditional high-school diploma program, an accelerated credit recovery program, vocational training, and access to post-secondary options. Additionally, a recommendation was made to submit a plan for a single agency to be in charge of a statewide system for education transitional supports for children in custody.

TYJI subcontracted with Dr. Peter Leone, a national expert on the topic and Professor at the University of Maryland, to assist with the charge of transforming the education system for youth in out-of-home placement across the state of CT in collaboration with the JJPOC Education Committee. The technical support provided consisted of policy analysis, generating options for curriculum alignment, advance placement and credit recovery coursework, post-secondary opportunities, identifying models of best practice with regards to accountability and quality control for educational services and support, and funding and administration structure of educational services for incarcerated youth.

During the scope of this work, Dr. Leone traveled to CT on several occasions to conduct site visits at various facilities in CT. In April 2019, he visited Manson Youth Institute where he toured the facility, observed the education facilities and met with DOC leadership and USD#1 administrators. In June 2019 Dr. Leone returned to CT to tour the Hartford Detention Center and meet with leadership as well as administrators from the contracted educational service provider. During this visit, Dr. Leone also met with leadership at CSSD to discuss education services and later with leadership within the State Dept. of Education. Throughout this time, Dr. Leone joined several of the Education Committee and Subcommittee meetings via video conference. In October 2019, Dr. Leone returned to CT to present his preliminary recommendations to the JJPOC.

The education committee established principles which were presented at the Oct. 2019 JJPOC meeting. Those principles consisted of the following:

- Standards for education services for incarcerated youth should be consistent with those for public school children in the state.
- Funding for services and supports for the education of incarcerated youth should be driven by a formula that takes into account the mobility, academic disadvantage, and the considerable number of youth who are English learners and who are eligible for special education services.
- One agency or division within an agency should have primary responsibility and authority for education services all incarcerated youth in the state.
- Transition of youth from local schools to state agency placements should be seamless. Expectations, responsibilities, and outcomes for agencies and personnel responsible for entry and reentry should be explicit and measurable.
- The agency or division within an agency should report annually on the operations of the education programs serving youth in the justice system.

The Education committee, with assistance from Dr. Leone, identified early on how vital it is that we understand what other states are doing and identify the elements in their models that may work in Connecticut. A few states such as Oregon, Missouri and Utah are leading the nation in their efforts to educate incarcerated youth. Missouri permitted the Division of Youth Services (DYS) under the Missouri Department of Services to obtain state education funding. As a result, the DYS now operates like a local school district. DYS bills local school districts or local education agencies (LEAs) for the costs associated with youth education. DYS can also grant high school diplomas, providing more meaning behind incarcerated youth's education. In 2017, DYS operated 30 facilities which served 1,535 youth; All youth were provided education. In Oregon, through a contract with the Oregon Department of Education, education is provided in all facilities and facilitated by a local school district or education service district. In Utah, the Utah State Board of Education funds education services for incarcerated youth who are in detention and commitment facilities. Utah's Board of Education has a Youth in Custody Program (YIC) that provides educational administration and support services for individuals under the age of 21 who are in custody. This program is facilitated by local school districts and these districts are eligible for two annual grants. An advisory council meets monthly to review and advise the YIC program.

## **DATA**



Improving education in youth facilities is one of the best ways to improve an at-risk juvenile's life after they are released. Who are the children impacted by this reform and where are they detained?

- Children who are accused of committing a delinquent act before turning 18 and are detained prior to sentencing in a secure, state-run juvenile detention center (Bridgeport or Hartford Detention Centers).
- There is a capacity of 52 juveniles in Hartford's Juvenile Detention Center; 52 in Bridgeport;
- Children are also placed by CSSD in various community secure or staff secured residential facilities which consist of:
  - 16 in the secure region program in Hamden; 13 in the Journey House (secure girls only), 12 in the Boys & Girls village; 8 in the CT Junior Republic in Waterbury; and 8 in the Community Partners in Action Hartford
- In the most recent 2019 JJPOC strategic goals report there was a 53.5% reduction in detention since 2014.
- Children in either of the detention centers and or community secure or staff secure facilities are educated by the school district where the facility is located and or through a contract with the Judicial Branch.
- Children who are detained at DOC MYI or YCI have been prosecuted as adults for an act allegedly committed before they turn 18, and are jailed prior to trial or imprisoned after conviction. In the 2019 JJPOC strategic goals report in FY 18-19 there were
  - 111 admissions which is inclusive of sentenced and pre-trial at MYI and have remained steady the past 3 years.
  - Annual admissions to YCI have remained at or below 10 for the past four years.
- Education at both MYI and YCI is provided by the DOC through Unified School District #1 (USD1), a district within DOC that is responsible for providing education across all DOC facilities.
- USD1 is funded through a direct appropriation from the state.

## **POTENTIAL IMPACT**

The educational committee is proposing recommendations that address concerns with overall coordination, supervision, provision and direction of all academic services and programs for youth in out of home placement. One of the recommendations addresses issues of fragmentation by recommending an expansion of USD #2. USD #2 has experience with overseeing education in multiple types of settings, it is already an independent school district by statute, in addition, the USD #2 is involved with the Families First Act and emphasized preventative practices.

By improving Connecticut's education system for incarcerated youth, Connecticut could see: higher education levels and overall substantially better life opportunities for incarcerated youth; a decrease in racial and ethnic disparities in the justice system; and decrease recidivism amongst at-risk youth. Overall, high quality education is one of the most effective crime-prevention tools.

### **EDUCATION COMMITTEE RECOMMENDATION 2**

#### **JJPOC recommends that:**

- A. USD #2 *employ transition specialists* whose primary responsibility is to facilitate the successful transition of youth from secure facilities back to the communities. These transition specialists shall:

	<ol style="list-style-type: none"> <li>1. Collaborate with receiving schools, youth serving agencies, employers, and other community supports to plan and manage successful transition.</li> <li>2. Manage to track educational credits of youth while in out-of-home placement and document the success of placements following youths' reentry into their communities.</li> <li>3. Be responsible for communicating with the reentry coordinators. This information will be used in reporting by the receiving district LEA or the district of nexus, if applicable.</li> </ol> <p>B. <i>Reentry coordinators</i> (established per PA 18-31 Sec. 7(q)) shall be responsible for obtaining records of youth in juvenile justice out of home placement and assisting in transfer of the records to the facility.</p> <ol style="list-style-type: none"> <li>1. The list of reentry coordinators shall be distributed to system stakeholders, including DOC, DCF, CSSD and parents of students. This list should also be made public and displayed on the SDE website.</li> <li>2. SDE should implement and maintain a current list of reentry coordinators. This list should be reviewed and updated concurrently with the August 1<sup>st</sup> statutory guideline. In districts under enrollment of 6,000, an alternate will be identified to coordinate the reentry process</li> </ol> <p>C. An amendment to C.G.S § 10-253 (g)(7) &amp; (g)(8) be made to read, "(7) When a child is not enrolled in a school district at the time of a juvenile justice out-of-home placement, <u>or upon discharge does not return to the same school where the child was previously enrolled,</u>" "(8) Upon learning that a child is to be discharged, the educational services provider for the facility shall immediately notify the jurisdiction in which the child will continue his or her education after discharge. <u>A child shall have the right to enroll in such school district immediately upon discharge into the community, as provided in subsection (7).</u>"</p> <p>D. Legislation to require special education students in juvenile justice out-of-home placements, when at all possible, be provided PPT meetings upon entry and in advance of their discharge to plan for their program and placement in their receiving school district.</p> <ol style="list-style-type: none"> <li>1. For youth who are sentenced or given an order of probation supervision with residential placement, a transition PPT meeting should be held 30 days in advance of the youth's known date of discharge. Both the discharging and receiving school district shall participate in this PPT meeting and a person</li> </ol>
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	knowledgeable about the continuum of programmatic offerings available in the receiving district shall participate in the meeting.
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## **BACKGROUND**

Transitioning youth back into their communities would not only be beneficial for the juvenile, but also to the community. All of the recommendations mentioned will only lead to youths' success. Designating coordinators in both settings are a vital element in creating successful transitions. Planning for transition should begin at entry into the juvenile justice setting. Youth should be involved in the discussion and planning of transition at each stage of the process. Ideally, prior to release or return to the community, youth should travel to the next placement (education, housing or treatment center, training program) and meet teachers or supervisors.

C.G.S. § 10-253 prescribes the school enrollment process for children discharging from detention into the community. Currently for children who seek to enroll in the same school district they were enrolled in at the time they entered the detention facility, the law mandates immediate enrollment. These students can start school without showing proof of prior transcripts, immunization records, special education records, or other paperwork. But for students who were not enrolled in school when they entered the detention facility, or for those whose school district changes upon discharge, the law does not provide for immediate enrollment in their new schools.

The laws concerning special education should be amended to ensure that specific transition Planning and Placement Team (PPT) meetings are provided for youth receiving special education services who are placed in the care and custody of the justice system so as to plan for a smooth and seamless transition back to the community. These meetings should include the youth's current school district or agency (the school responsible for their education during their court ordered placement, a.k.a, the "discharging" school or district.) and the school district to which the youth will be transitioning (a.k.a. "receiving" school district). These meetings are essential to ensure that special education youth in the care of the justice system receive an appropriate education upon their return to the community and do not experience any unnecessary lapse in their education.

## **DATA**

Currently, legislation requires eligible school districts to "designate and maintain at least one employee as a liaison to facilitate transitions between the school district and the juvenile and criminal justice systems" and this information should be sent to CSSD yearly by August 1. By requiring the list of reentry coordinators to be distributed to DOC, DCF, CSSD, and parents of the students, the ability to communicate in the best interest of the child will be expanded and improved. By directing a supervisory authority (SDE) over implementation and maintenance of this list, updated information and will be provided on a yearly basis to further ease communication.

Studies show that excess free time is a leading factor in predicting reentry success. Studies also show that children engaged with school have less free time, more access to positive peer and adult supports, and increased internal motivation for successful reentry. Staff at the Department of Children and Families, juvenile probation officers, and attorneys at the Center for Children's Advocacy have all expressed their concern that school enrollment delays are a major contributing factor in unsuccessfully reentry.



National data has clearly established that nearly 70% of the juvenile justice population have a disability; it is no secret that the vast majority of these youth have complex educational needs and require IEPs. It is therefore only best practice to ensure that identified special education youth have the benefit of advance education planning to ensure a smooth transition upon their re-entry to the community. Without this Transition PPT requirement, many youth are left without appropriate supports when attempting to transition back into their home school district. Enacting a proactive measure such as this, will help to ensure that special education students receive the supports that they need immediately upon their discharge from the care and custody of the justice system.

### **POTENTIAL IMPACT**

The role of both transition specialists and reentry coordinators needs to be explicit, as they are responsible for obtaining records and ensuring credit for work completed while in juvenile justice school programs. By clarifying the roles, expanding avenues of communication, and encouraging collaboration, the student will be more supported as they ease into a transition. Schools that fail to comply with reentry provisions should receive notice from the OAG about their statutory obligations. Among other things, delaying reentry to youth who may be required to return to school as a condition of their probation or parole jeopardizes youths' successful reentry and contributes to their vulnerability to continued justice system involvement. It will be beneficial to recognize the need for these roles in smaller school districts as well. An alternative designee to assist in transition and reentry for students can be, but is not limited to, a guidance counselor.

With this recommendation, support is ensured for immediate school enrollment for all students returning from to the community. Support will also be provided to the detention facility's educational service provider, reentry coordinator, and the school district liaison. Transition PPT meetings for special education youth in the care and custody of the justice system, particularly those youth who are post-adjudication/conviction, would help to ensure the free and appropriate education to which these youth are entitled pursuant to state and federal law is not interrupted or suspended after their discharge.

#### **EDUCATION COMMITTEE RECOMMENDATION 3**

#### **JJPOC recommends that:**

- A. USD#2 ensure that sending and receiving schools and programs provide services and supports that maximize student's success.
  - 1. Use a uniform system of state-wide electronic record transfers (i.e. Powerschool, PSIS) for maintaining and sharing educational records for all students, including court-placed youth in educational programs, to be overseen by a Directory Manager as designated by the independent school district and align with the IEP Task Force.
- B. A student's home district should be mandated to offer home district diplomas earned by students 17 and above graduating while in educational programs for court-placed youth who meet the statutory graduation requirements. If no nexus district can be determined, DCF will participate in the

	<p>determination of credits and facilitate in the issuance of a diploma. There should be flexibility and collaboration in this process with the student's home district and special school districts.</p> <p>C. State-wide expectations should be established for ensuring credit transfers/partial credit transfers.</p> <ol style="list-style-type: none"> <li>1. Classroom hour-to-credit conversion should be standardized within USD #2</li> <li>2. Credits should be awarded as soon as possible, but no later than 30 days of the transfer to the home district.</li> <li>3. At intake, it is recommended that a review be done of the student's transcript and attendance records to determine educational requirements up to graduation. Credits should be transferred from the home district within 5 school days of students' placement</li> </ol> <p>D. A timeframe should be established for updating educational records pre-discharge.</p> <ol style="list-style-type: none"> <li>1. At a minimum, educational records should be up-to-date per marking period, as well as immediately upon discharge.</li> </ol>
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## **BACKGROUND**

Quality education is essential in order to successfully integrate youth into their communities and prompt them to be productive members of society. In general, youth in the justice system tend to be the least academically competent, yet there is a substantial amount of evidence supporting the notion that higher education decreases rates of recidivism and re-arrests. It is essential that all of the programs and departments work together to improve the lives of juveniles after they are released.

Currently, there are discrepancies between the way Hartford and Bridgeport Detention Centers handle educational services as well as the differences between districts and their methods of unit testing. There is also inconsistency school district to school district about what districts will accept partial credit and how much.

## **DATA**

A uniform system of state-wide electronic record transfers, such as, Powerschool, will allow for easier maintenance and sharing of educational records for all students. Powerschool, used by a majority of school districts in Connecticut, has the ability to accomplish this goal with the appropriate license/version. Every student is given a state ID (SASID), which can be used as the universal record identifier to facilitate easy transfer of information across districts. Similar to other districts, this system will be overseen by a Directory Manager as designated by the school district. This work is already being done specific to special education records and this work should be aligned with the IEP Task Force.

## **POTENTIAL IMPACT**

There are many benefits to increasing educational opportunities toward graduation for court-placed youth. Many incarcerated youths would like to receive their diploma from their home district compared to a state diploma because it brings deeper meaning to the youth and their community. To successfully accomplish this, it is necessary that the home school districts work seamlessly and collaboratively with the special school districts. By standardizing classroom hour-to-credit conversion and establishing timeframe expectation, transferring credits between districts will be simplified for all. The timeframe of credit transfer to the home district within 30 days reinforces the current legislation. Credits should be awarded as soon as possible, but no later than 30 days of the transfer to the home district.

However, there are some challenges recognized by this workgroup. One challenge is that there are different graduation requirements across school districts which makes consistency difficult. There are challenges to FERPA, HIPPA, and funding. Luckily, these challenges are not different from those that other students face within Connecticut which means that these challenges should not hinder to strides being made. To combat this challenge, there are new graduation requirements starting with the class of 2023 students which provides a window to standardize requirements across all districts.

## V. 2020 RECOMMENDATIONS IN DETAIL FROM THE INCARCERATION WORKGROUP

### Goal: Reduce incarceration.

*Connecticut is committed to ensuring that youth who are committed to confinement are held accountable through individualized rehabilitative services, treated with fairness and dignity, and offered the support needed to mature into healthy and productive members of our communities.*

#### INCARCERATION WORKGROUP RECOMMENDATION 1

Submitted in accordance with the requirements of Public Act 19-187(r).

#### JJPOC recommends that:

- 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 within 50% of their sentence, or by their 18<sup>th</sup> birthday (whichever comes first) to determine the need for continued incarceration.

## **BACKGROUND**

In response to the requirements in Public Act 19-187, enacted in 2019, the Incarceration Workgroup reviewed information provided by the Center for Children's Law and Policy on the "methods other states employ to (1) transfer juvenile cases to the regular criminal docket, and (2) detain persons fifteen, sixteen and seventeen years of age whose cases are transferred to the regular criminal docket," as well as research on the "outcomes associated with such transfers, including the impact on public safety and the effectiveness in changing the behavior of juveniles."

While statutes allowing for transfer to adult court were widely adopted in the 1990s out of fear of a juvenile crime epidemic, that epidemic never materialized. Indeed, juvenile crime rates have fallen significantly nationally and in Connecticut during the past decade. Nevertheless, these statutes have remained on the books – even as studies have documented the poor outcomes associated with transfer to adult court. For example, a 2010 Task Force established by the U.S. Department of Health and Human Services and conducted a systematic review of studies of the effectiveness of transfer on preventing or reducing violence and found that transfer to adult court was a "counterproductive strategy for preventing or reducing violence," with young people transferred to adult court reoffending at significantly higher rates and for more serious offenses than similarly situated youth who were adjudicated in the juvenile justice system.<sup>1</sup>

## **DATA**

During the last decade, Connecticut has made several legislative changes to limit the use of transfer to adult court, including raising the age of juvenile court jurisdiction to include youth charged with crimes up to age 17. Offenses that require handling in adult court, what are known in Connecticut and other states as mandatory or automatic transfers, have also been limited. These changes have contributed to a 92.5% reduction in admissions of youth under 18 to Department of Correction custody between FY 2009 and FY 2019 (1,608 vs. 121 admissions).

Nevertheless, a small number of youth under 18 continue to be charged and sentenced in adults, notwithstanding the findings of the research described above. The vast majority are youth of color. In 2018, DOC reported that 79% of admissions of youth under age 18 were youth of color. However, as DOC has acknowledged, data capacity and data collection limitations within the Department mean that this is almost certainly an undercount of youth of color. Notwithstanding the likely undercounting, this is a point of extreme racial and ethnic disparity within Connecticut's justice system.

## **POTENTIAL IMPACT**

The intent of this recommendation is to continue the effort to align Connecticut's approach to youth charged with crimes with research on the approaches that are likeliest to achieve positive public safety outcomes and long-term behavior change among young people.

Although Connecticut has significantly reduced the use of transfer to adult court, a trend consistent with other states, state law still allows for the mandatory transfer of youth to the adult criminal justice system for

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<sup>1</sup> See Hahn et al., *supra* note 1.  
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certain charges, as well as discretionary transfer to the adult criminal justice system for other offenses. This is despite the fact that studies have not found that transfer is an effective deterrent to crime. Indeed, those studies have generally found that youth transferred to adult court reoffend at higher rates and for more serious offenses than youth with similar charges and backgrounds whose cases are handled in juvenile court.<sup>2</sup>

Moreover, Connecticut reflects national trends and trends in other states in that youth of color are overrepresented among youth transferred to adult court. This means that youth of color disproportionately experience the negative outcomes associated with transfer. That is to say, the current transfer laws disadvantage youth of color by making it more likely that, because of their handling in the adult criminal justice system, they will reoffend more frequently and reoffend for more violent offenses. This may result in a higher likelihood of future and more extensive contact with the criminal justice system.

In recent years, more and more states have moved to restrict the use of transfer to adult court, as well as retain youth who are charged and sentenced as adults in the juvenile justice system up to age 18 or above.<sup>3</sup> For example, the Oregon Youth Authority is a state-level executive-branch agency whose mission is to “protect[] the public and reduce[] crime by holding youth accountable and providing opportunities for reformation in safe environments.”<sup>4</sup> OYA is responsible for youth age 12 to 24 who commit crimes before the age of 18. OYA houses youth charged and sentenced as adults, including a sizeable population of 18 to 24-year-olds charged with violent felony and other serious offenses. OYA does so because of data demonstrating better public safety outcomes and better evidence of behavior change among youth when they are retained in the juvenile justice system as compared with similarly situated youth who were transferred to the adult corrections system.

In July 2019, in part due to the outcome data mentioned above, Oregon passed legislation to roll back its adult transfer and sentencing laws that were implemented in 1995. The legislation, known as Senate Bill 1008,<sup>5</sup> returns jurisdiction for all charges to the juvenile justice system. In order to move a youth’s case to the adult court system, prosecutors must request a waiver hearing before a judge who decides whether the case should be transferred to adult court. Additionally, the legislation creates a “Second Look” process that allows judges to determine if further incarceration is appropriate for youth who are convicted in adult court and sentenced to more than 24 months incarceration, both at the halfway point of their sentence and prior to being transferred to the adult Department of Corrections at the age of 25 (if a youth’s sentence extends

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<sup>2</sup> See, e.g., Robert Hahn et al., *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, Task Force on Community Preventive Services (2010); Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (2010).

<sup>3</sup> Pilnik, L. & Mistrett, M. (2019) “If Not the Adult System Then Where? Alternatives to Adult Incarceration for Youth Certified as Adults,” Campaign for Youth Justice (Washington, DC).

<sup>4</sup> For more information, visit the Oregon Youth Authority’s homepage at [https://www.oregon.gov/oya/Pages/about\\_us.aspx](https://www.oregon.gov/oya/Pages/about_us.aspx).

<sup>5</sup> Oregon Youth Authority, *Governor Signs Senate Bill 1008 into Law* (July 22, 2019), available at <https://insideoya.com/2019/07/22/governor-signs-senate-bill-1008-into-law/>.



beyond that point). The legislation had bipartisan support and had a broad based of supporters in Oregon, including the Oregon Youth Authority, the Department of Corrections, and the Attorney General.

Although Senate Bill 1008 does not eliminate the possibility of transfer to adult court for youth under age 18 in Oregon, it does ensure that any case originates in the juvenile justice system – the system that was designed to meet the unique developmental needs of youth. If Connecticut retains some form of transfer to adult court, adopting a similar framework as Senate Bill 1008 would be a step toward aligning state law with the research and best practices discussed above.

Connecticut can look to a number of states for legislative and procedural guidance on the creation of such an entity, including Florida, Illinois, Louisiana, and Oregon. However, the process would mirror the collaborative process undertaken when officials were charged with implementation of Raise the Age in Connecticut.

**INCARCERATION  
WORKGROUP  
RECOMMENDATION 2**

**JJPOC recommends:**

- 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 and fulfillment of the requirement that there be no additional offenses, 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.

**BACKGROUND**

Connecticut's juvenile justice system is intended to be rehabilitative and give youth a second chance. However, records of juvenile delinquency, though confidential, still serve to negatively impact youth in Connecticut. They are often accidentally or inadvertently, reported, resulting in negative outcomes and the exclusion of these youth from educational or employment opportunities that would otherwise be open to them. Although the majority of youth who are involved in the juvenile justice system do not enter the criminal adult system, the impact of juvenile offenses follows them with negative collateral consequences, often interfering with their opportunity to pursue the military, government positions, certain classes of employment and higher education.

Current law requires youth to affirmatively petition to have their record erased. Many youth and families are unaware of this procedure and simply do not access it. By providing for automatic record erasure, youth who have been involved with the juvenile justice system will be protected from any disclosure that could cause future harm. It is important to note that under Connecticut law, youthful offenders, who have committed crimes that are more serious in nature, mandating adult court involvement, already have the benefit of automatic erasure of their record from adult court when they reach the age of 21 years old, if they have not subsequently been convicted of a felony.

States such as Illinois and Colorado provide for automatic expungement of similar juvenile offenses with shorter waiting periods (60 business days or one year or less, respectively); Iowa provides for automatic sealing of any misdemeanor adjudications by a juvenile, which is similar to expungement, but may be opened only by court order.<sup>6</sup>

## **DATA**

Given the confidential nature of the records at stake, data on disclosure is not readily tracked or available. However, here are real life examples from two youth whose records negatively impacted their future.

- John had always had the dream of become a member of the armed forces. In corresponding and speaking with a recruiter, the recruiter discovered John has been arrested as a younger teen. This led him to asking John to take him to the juvenile court to check on the status of his records there; John wanted to be forthright with the recruiter and felt he had no option but to accompany him to the juvenile court where his records would be disclosed.
- Andrew was arrested at 17 on adult charges through some unfortunate associations with older youth. While locked up, he was considered for transitional supervision (TS), to be released into the community prior to end of his sentence. He had always been compliant while incarcerated and had no disciplinary tickets against him. However, his juvenile record involving an arrest in a school related conflict and misunderstanding when he was in the eighth grade was found by DOC and used to deny him TS. Andrew was understandably confused – he had been advised by his attorney this information would be confidential and that he could represent that it didn't happen.

These youth would not have had these unfortunate impacts on their futures, if these they had had the benefit of automatic erasure.

## **POTENTIAL IMPACT**

The current structure within the court support services division would require only minor adjustments to the existing system. The potential benefit of such a change far outweighs the cost, and would continue to put Connecticut at the forefront of juvenile justice reform nationally.

<b>INCARCERATION WORKGROUP RECOMMENDATION 3</b>	<b>JJPOC recommends:</b> A. A bill in the General Assembly which reads, "Beginning July 1, 2020, telephone services or any other telecommunications
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<sup>6</sup> For more information, see the **Clean Slate Clearinghouse** online found at:

<https://cleanslateclearinghouse.org/compare-states/>

February 7, 2020 (RVD)

	<p>services provided to a child confined in a correctional facility or transferred to DOC shall be provided free of charge”</p> <p>B. 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.”</p>
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## **BACKGROUND**

For imprisoned children in a Connecticut correctional facility, regular contact with family helps support the child's reentry and reduces recidivism rates. This is because regular family engagement helps imprisoned children process previous criminal choices, cope with prison conditions, encourages children to more effectively engage with their prison treatment programs, and helps them plan for their reentry together with their families. Family engagement also allows prison officials to expand and see better results from existing reentry programs, a priority of the JJPOC. This proposed legislation will eliminate phone call costs and increase family engagement for imprisoned minors. It also helps the JJPOC align Connecticut law with surrounding states and national reentry best practices.

## **DATA**

Connecticut ranks 49<sup>th</sup> in the nation for the cost of a fifteen minute phone call, and in interviews with youth at MYI and other Connecticut correctional facilities, youth said the high cost of phone calls was hurting their ability to engage with their families and plan for their reentry. Other jurisdictions have recognized this problem and taken steps. In 2019, New York City made prison phone calls free for all inmates. Massachusetts, Vermont, and New Hampshire have reduced costs for a fifteen minute phone call to \$1.50, \$1.04, and \$.20 respectively, compared to Connecticut's cost of \$4.87 plus fees. New York, New Jersey and Rhode Island have taken steps to prohibit revenue kickbacks to the state in vendor phone contracts, something the current Connecticut contract allows. Despite the negative policy implications for the state and the high costs for families, the annual cost of making phone calls free for children is modest (estimated \$50,000 - \$75,000).

## **POTENTIAL IMPACT**

With this bill, the JJPOC would take steps to increase youth voice, family engagement, and reduce recidivism. It would increase youth voice without major policy changes and at a reasonable cost. In short, this bill would prohibit the state from charging children for phone calls, and would require the JJPOC to explore changes to any future phone services contract before the current contract expires with the vendor on March 1, 2021. The JJPOC would be supporting reentry for hundreds of Connecticut youth by adopting reentry best practices more in line with surrounding states. And for lawmakers who have had concerns with previous proposed legislation that reduced phone costs for all persons imprisoned in Connecticut, this bill limits the lost revenue by solely targeting minors and does so without breaking any current contracts.



## VI. 2020 RECOMMENDATIONS IN DETAIL FROM THE COMMUNITY EXPERTISE WORKGROUP

<b>COMMUNITY EXPERTISE WORKGROUP RECOMMENDATION 1</b>	<p>JJPOC recommends that:</p> <p>A. The General Statutes be amended to increase the membership of JJPOC by two community members and two youth (must be under 26 years of age) with first or second-hand justice system involvement. Funding should be provided for stipends, transportation, and child care to enable member attendance.</p>
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### **BACKGROUND**

The Juvenile Justice Policy and Oversight Committee's mandate is to create and evaluate policies and practices related to the juvenile justice system. To date, those who are directly impacted by the system have not been a priority when it comes to appointing seats at the JJPOC table. The role of the Community Expertise Workgroup is to identify and suggest ways to overcome the barriers to equal, sustainable participation with JJPOC work by those who have first-hand experience with the juvenile justice system. In the most recent JJPOC strategic plan, the inclusion of directly impacted youth and family voices were highlighted as a goal. In an effort to meet this goal, the inclusion of youth and community membership can assist in examining the operations of the JJPOC and eliminate barriers to their participation.

### **POTENTIAL IMPACT**

Solidifying permanent seats at the JJPOC for directly impacted youth and families will strengthen the work and productivity of the JJPOC. When discussing ways to improve juvenile justice policies, practices or procedures, including those who will actually be affected by these changes would ensure that we are taking into account each and every way that our decisions will affect communities. Having youth and family members as full appointed members of the JJPOC is important as we work to make sure that we are working with representatives from these directly impacted communities authentically in this decision-making process. This partnership will ensure that future juvenile justice recommendations are created in direct partnership with directly impacted youth and families. In addition, having directly impacted youth and family members join the JJPOC will give them the opportunity to utilize their personal expertise to help identify solutions, recommendations, or gaps in the work that those currently around the table might not recognize. The idea of providing stipends, transportation and child care will ensure that these representatives are compensated for their time and they will not have to struggle to afford child care or travel accommodations to be able to attend this meeting since the location and time of day might not be easy for a student, parent or worker, while also understanding that time and place are already set in stone. Other appointed members of the JJPOC are there as part of their professional responsibilities so they are compensated for their participation time; Families and youth should be treated the same way. Families and youth have expressed interest in authentically partnering with stakeholders to create tables where they have equal power in the decision-making process that affects their friends and families. Not including directly impacted families and youth not only leaves out a much-needed perspective in these discussions but it also undermines the accuracy of decisions made through the JJPOC.

## VII. TECHNICAL ASSISTANCE BY CONSULTANTS

In January 2019, the JJPOC published its new 2019 – 2021 Strategic Plan which outlined the goals for the coming years. As the workgroups convened to begin planning activities for 2019, they decided outside assistance for two projects was needed due to the breadth and detail of each issue being addressed.

Dr. Peter Leone was identified as the consultant to engage the JJPOC Education Committee to help with their charge of transforming the education system for youth in out-of-home placement across the state of CT. Dr. Leone was the Director of the National Center on Education, Disability, and Juvenile Justice at University of Maryland. During his career, he has worked with adolescents who have behavioral disorders in public schools and has studied education programs and practices in institutional settings. This includes providing technical assistance on educational services to jails, prisons, detention centers and training schools in a number of states. Dr. Leone provided support to the Education Committee through policy analysis, identifying models of best practices, and the generation of options for curriculum alignment, credit recovery, advanced placement and post-secondary opportunities.

To date, Dr. Leone has consulted with other state models, including Massachusetts. He has also communicated with educational providers in the community, including Connecticut Junior Republic and DOMUS, and reviewed the 2019 report by the Office of the Child Advocate. In addition, he has made two site visits to CT, in April and June, to tour Manson Youth Institution alongside Department of Correction leadership and to tour the Hartford Detention Center and meet with CSSD and representatives from the State Department of Education. He has also produced 5 memos which include his initial thoughts, recommendations, and best practices identified in other states.

In addition, the Center for Children's Law and Policy (CCLP) was contracted in June of 2019 to provide technical assistance to the Incarceration Workgroup in order to meet the requirements set forth in Public Act 19-187. Their expertise has helped identify options to improve conditions of confinement that correct dangerous and inhumane conditions as well as to implement best practices in the areas of room confinement, chemical agent, PREA, etc. CCLP expertise to eliminate racial & ethnic biases in the juvenile justice system, reduce the unnecessary and inappropriate incarceration of children, and eliminate dangerous and inhumane practices for youth in custody is carried out by staff members that include lawyers and former juvenile justice professionals with extensive expertise in creating a more equitable and effective juvenile justice system. With support from the Tow Foundation, they have previously worked with the cities of Bridgeport, Hartford, New Haven and Waterbury on a multi-year project to reduce racial and ethnic disparities in Connecticut. CCLP has also previously worked with Connecticut to provide graduated responses for youth under supervision in the community, including incentives for positive behavior and sanctions for negative behavior. This helped achieve significant reductions in detention/incarceration of youth for violation of probation and other court-ordered conditions.

To date, CCLP has reviewed conducted a literature review of the impact of transfer on public safety and youth behaviors, reviewed national approaches and models to housing of adult-charged and sentenced youth, and collected and analyzed state data. In addition, CCLP has conducted site visits to Manson Youth Institution, the Hartford Detention Center, as well as several community-based organizations including the Connecticut Junior Republic. Between site visits, CCLP has engaged system stakeholders in interviews and meetings and have held focus groups specifically with youth who would be impacted by a proposed change.

Please see supplemental reports by the consultants for further information.

## VII. 2020 JJPOC WORKGROUP MEMBERSHIP

### **Diversion Workgroup Membership**

Co-chairs: Erica Bromley and John Frassinelli

<b><u>Name</u></b>	<b><u>Agency</u></b>
Erica Bromley	Connecticut Youth Services Association (CYSA)
John Frassinelli	State Department of Education (SDE)
Kathryn Meyer	Center for Children's Advocacy (CCA)
Marisa Mascolo Halm	Center for Children's Advocacy (CCA)
Jeana Bracey	Child Health and Development Institute of CT, Inc.
Jeffrey Vanderploeg	Child Health and Development Institute of CT, Inc.
Yecenia Casiano	Child Health and Development Institute of CT, Inc.
Amy Evison	Community Health Resources
Abby Anderson	Connecticut Juvenile Justice Alliance (CJJA)
Christina Quaranta	Connecticut Juvenile Justice Alliance (CJJA)
Wesleigh Anderson	Connecticut Legal Services (CLS)
Lauren Ruth	Connecticut Voices for Children
Ana Flamengo	CT Junior Republic (CJR)
Leslie Rojas	DFCYR
Doran Wright	Grace City Church
Kristina Baldwin	Hartford Department of Families, Children, Youth and Recreation
Bernard Thomas	Hartford Knights
Niya Solomon	Journey Home CT
John Torello	Judicial Branch - Court Support Services Division (CSSD)
Michaelangelo Palmieri	Judicial Branch - Court Support Services Division (CSSD)
Dawn Hatchett	Lifebridge
Justin Carbonella	Middletown Youth Service Bureau
Lynn Bishop	NAFI CT
Louise Pyers	National Alliance on Mental Illness (NAMI)
Susan Kelley	National Alliance on Mental Illness (NAMI)
Ryan Matthews	Nutmeg Big Brothers Big Sisters (NBBBS)
Susan Hamilton	Office of the Chief Public Defender
Francis Carino	Office of the Chief State's Attorney
Dana Forry	RYASAP/Bridgeport LIST
Kari Sullivan	State Department of Education (SDE)
Danielle Cooper	Tow Youth Justice Institute (TYJI)
Devon McCormick	Tow Youth Justice Institute (TYJI)
Jill Ruggiero	Westport Police Department
Elisabeth Cannata	Wheeler Clinic

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Peter Kochol	Judicial Branch
Bonnie Daley	Middletown Youth Service Bureau
Jane Michaud	Project Youth Court
Liz Langevin	South Windsor Youth and Family Services
Agnes Quinones	State Department of Education
Desi Nesmith	State Department of Education
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Hannah Granfield	The Governor's Prevention Partnership
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### **Incarceration Workgroup Membership**

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Tracy Duran	Judicial Branch - Court Support Services Division (CSSD)
Tasha Hunt	Judicial Branch - Court Support Services Division (CSSD)
Gary Roberge	Judicial Branch - Court Support Services Division (CSSD)
Julie Revaz	Judicial Branch - Court Support Services Division (CSSD)
Kim Selvaggi	Living in Safe Alternatives (LISA)
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Heather Panciera	Office of the Child Advocate (OCA)
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Francis Carino	Office of the Chief State's Attorney
Bob Francis	

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Daniel Dougherty	Department of Correction (DOC)
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Co-chairs: Derrick Gordon and Hector Glynn

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**Standing Members of all Workgroups:**

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JJPOC Co-chair

Eleanor Michael and Marc Pelka  
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Representative Robyn Porter and Senator Gary Winfield  
Connecticut General Assembly

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Tow Youth Justice Institute/University of New Haven

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