



Juvenile Justice Policy and Oversight Committee

Proposed 2018 Recommendations  
For Discussion and Adoption

January 18, 2018

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## I. OVERVIEW: 2018 JJPOC RECOMMENDATIONS

<p><b>DIVERSION RECOMMENDATION 1</b></p>	<p>1.1. Beginning July 1, 2018, the State Department of Education and the Youth Service Bureau network should implement the Community-Based Diversion System Plan, developed pursuant to PA 16-147, § 18(k), over a two-year period within available appropriations.</p> <p>1.2. In the 2018 legislative session, the legislature and the Governor should adequately fund implementation of the Plan.</p>
<p><b>DIVERSION RECOMMENDATION 2</b></p>	<p>2.1. Beginning July 1, 2018, the State Department of Education should implement the School-Based Diversion Framework over a two-year period, within available appropriations.</p> <p>2.2. In the 2018 legislative session, the legislature and the Governor should adequately fund implementation of the Framework.</p>
<p><b>DIVERSION RECOMMENDATION 3</b></p>	<p>The JJPOC should develop a justice reinvestment plan to guide the reinvestment of any savings realized from the decreased use of incarcerations and congregate care towards strategic investments in home-, school-, and community-based behavioral health services and supports for children diverted from, or involved with, the juvenile justice system.</p>

<p><b>INCARCERATION RECOMMENDATION 1</b></p>	<p>In the 2018 legislative session, the legislature and governor should enact legislation providing that:</p> <p>1.1. Beginning January 1, 2021, no child under the age of 18 shall be housed in the custody of the Department of Correction.</p> <p>1.2. On or before October 1, 2019, the Department of Correction, the Department of Children and Families, the State Department of Education, and the Judicial Branch shall submit to the Juvenile Justice Policy and Oversight Committee a plan for implementing Recommendation 1.1. The purpose of the plan shall be to ensure that youth prosecuted as adults are detained and incarcerated in a safe, secure, and developmentally appropriate environment that is consistent with Recommendation 1.1.</p> <p>The plan shall include:</p> <p>(A) Recommendations for any legislation that may be necessary or appropriate to implement Recommendation 1.1.</p> <p>(B) Recommendations for programs, services, and supports that shall be provided to detained or incarcerated youth who are prosecuted as adults.</p>
<p><b>INCARCERATION RECOMMENDATION 2</b></p>	<p>The Juvenile Justice Policy and Oversight Committee should periodically request, receive, and review information regarding conditions of confinement, including services available, for youth in correctional facilities and other out-of-home placements in the juvenile and criminal justice systems.</p>

<p><b>RECIDIVISM RECOMMENDATION 1</b></p>	<p>A. The JJPOC should propose legislation that calls for a process of planning for the development of a consolidated system for educating youth in custody of the justice system. The planning process will include key state agencies – including the State Department of Education, the Court Support Services Division of the Judicial Branch, the Department of Correction; local education agencies in districts that house detention centers; and experts in educating youth in custody. By January of 2019, the process will result in a detailed implementation plan, submitted to relevant legislative committees and to the JJPOC. The plan will include provisions for:</p> <ul style="list-style-type: none"><li>• Designating a single state agency, supported by resources reallocated from the existing fragmented array of service providers, to be responsible for ensuring high-quality educational services and transitional supports for youth in the deep end of the justice system.</li><li>• Ensuring that a range of quality educational services are delivered to youth in justice system custody, whether directly by a state or local agency or else by a single contracted provider with statewide scope. The range of services provided will include, at a minimum: A traditional high-school diploma program; an accelerated credit recovery program; vocational training programs; and access to post-secondary educational options, whether on-site or through partnership(s) with institutions of higher education.</li><li>• Developing and deploying a comprehensive quality control system, overseen by the single state agency responsible for educating youth in the justice system, for the education of youth in justice system custody and during transitions between custody and the community. The quality control system should include: Clear standards for education in each context, from detention to secure custody to reentry; benchmarks for achievement in each context; a data collection and reporting system, including publicly-available school profiles with relevant quality metrics; evaluation procedures that include external monitoring and accreditation; and a set of meaningful interventions, tailored for the custodial context, if education falls short of quality benchmarks.</li><li>• Designating appropriate staffing within the single state agency responsible for educating youth in the justice system to ensure system-wide planning; oversight; quality control; legal compliance; and the allocation of state and federal funds for education of youth in justice system custody.</li><li>• Engaging one or more curriculum development experts to support learning in custodial settings statewide and to develop a flexible, high-interest, modular curriculum that is aligned with state standards and adapted to the context of educating youth in custody.</li><li>• Engaging professional development and teacher training specialist or specialists, and creating a statewide professional development</li></ul>
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	<p>community for teachers and other educational staff who work with youth in the deep end of the justice system.</p> <ul style="list-style-type: none"><li>• Engaging regional reentry coordinators to support youth returning to the community from both short-term detention and long-term custody. The coordinators' activities and outcomes will be monitored by the single state agency responsible for educating youth in the justice system.</li></ul> <p>B. The JJPOC should propose legislation requiring that the plan developed pursuant to Recommendation 1 be implemented no later than July 1, 2020.</p> <p>C. Concurrent with implementation, the single state agency responsible for educating youth in the justice system should define, and the consolidated system for educating youth in the deep end of the justice system should adopt, a clear protocol with timelines for educational support of youth transitioning into, and out of, custodial facilities. The protocol should mandate team-based reentry planning and should include clear and ambitious timelines for records transfer at intake and release from custody; timelines for reenrollment; and timelines for credit transfer when return to community-based educational settings.</p> <p>D. The JJPOC should propose legislation that requires school districts to continuously maintain the enrollment of youth who are held in juvenile detention facilities.</p> <p>E. The State Department of Education should incentivize and support the development of a data system that allows real-time sharing of educational records among schools statewide. The system will support smooth transitions by ensuring seamless transfer of information between schools in facilities and schools in the community.</p> <p>F. The JJPOC should propose legislation requiring each school district that sends a significant number of youth into the juvenile justice system to designate a staff person who will serve as liaison between the justice system and the school district to facilitate smooth transitions of youth between custodial facilities and community schools.</p> <p>G. The JJPOC should propose legislation requiring the Connecticut Technical High School system to provide career and technical education programming for youth who are in justice system custody or who are returning to the community from custody. That collaboration should include creating a pathway to enrollment, and reserving capacity to enroll, for qualified and interested youth who are returning to the community from a justice system facility.</p>
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<p><b>RECIDIVISM RECOMMENDATION 2</b></p>	<p>The Juvenile Justice Policy and Oversight Committee should formally request that relevant state agencies and education providers report annually to the JJPOC on continued compliance with the provisions of PA 16-147 § 13 forbidding the use of out-of-school suspensions in educational settings in custodial facilities. That report should include data on all youth who have been removed or excluded from educational settings as a result of alleged behavior occurring in those educational settings, and should extend to both state-run and contract facilities.</p>
<p><b>RECIDIVISM RECOMMENDATION 3</b></p>	<p>The JJPOC should formally request that state agencies that house justice-involved youth under 18 report annually to the JJPOC, or one of its sub-groups, on continued compliance with the provisions of PA 16-147 § 16 requiring the use of de-escalation techniques to reduce re-arrests for youth in custody. That report should include data on all re-arrests and uses of confinements and restraints for youth in custody, in both state-run and contract facilities.</p>
<p><b>RECIDIVISM RECOMMENDATION 4</b></p>	<p>The JJPOC should continue to provide input to, and seek updates from, the Office of Policy and Management as it moves towards producing its first report on juvenile recidivism in August of 2018. The JJPOC should formally request reports from OPM and other stakeholders on progress, and should assist OPM in obtaining necessary data and grappling with problems as they arise.</p>
<p><b>RECIDIVISM RECOMMENDATION 5</b></p>	<p>The JJPOC should formally request that the Office of Policy and Management continue to update the JJPOC, or one of its Work Groups, on progress under the community supervision grant that the state received from the federal Office of Juvenile Justice and Delinquency Prevention.</p>

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

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The Juvenile Justice Policy and Oversight Committee (JJPOC) was established in 2014 by Public Act 14-217. The Committee was tasked with responsibilities including:

- Recommending changes in law regarding juvenile justice;
- Crafting a standard definition for juvenile recidivism;
- Setting goals for juvenile justice reform;
- Assessing the quality of education within the juvenile justice system; and
- Analyzing the extent of disproportion minority contact (DMC) across the juvenile justice system.

In 2015, the JJPOC established three strategic goals to be met by July 2018:

- Increase the use of diversion by 20%;
- Decrease youth incarceration by 30%; and
- Decrease youth recidivism by 10%.

As of October 2017, the state's juvenile justice system is making strong progress towards those goals: Diversion from the courts has increased by nearly 20% and incarceration has been reduced by almost 50%, while recidivism has fallen by about 2%.

The four JJPOC Work Groups – Diversion, Incarceration, Recidivism, and Cross Agency Data Sharing – are tasked with recommending best practices and strategies that fulfill the statutory mandate to improve the state's juvenile justice system. For example: In 2016, the legislature enacted a broad slate of reforms recommended by the work groups and approved by the full JJPOC. As embodied in Public Act 16-147, the JJPOC's recommendations included:

- Eliminating truancy and defiance of school rules as status offenses in order to divert youth from the juvenile justice system;
- Limiting pre-trial detention to cases in which a youth represents a genuine public safety or flight risk, or in which the youth is being held for extradition to another jurisdiction;
- Mandating the closure of the Connecticut Juvenile Training School (CJTS) no later than July 2018, in accordance with a plan developed by DCF in collaboration with other stakeholders;
- Requiring the development of a school-based diversion plan to address youth mental health service needs without the need for arrest and other disciplinary actions;
- Requiring the development of a comprehensive plan for re-entry services for children who are placed in confinement;
- Requiring agencies and providers working with justice-involved youth to adopt an empirically-supported recidivism reduction framework; and
- Requiring training for police in the use of restorative justice practices, trauma-informed approaches, and other youth related areas.

The following year, in January of 2017, the JJPOC again approved a set of policy recommendations, many of which were ultimately embodied in Public Act No. 17-2 from the 2017 June Special Session. The legislation:

- Removed all remaining Families with Service Needs offenses from court jurisdiction, effective July 1, 2019.

- Required collaboration between the JJPOC and the Children's Behavioral Health Plan Implementation Advisory Board, to ensure that mental health and substance use needs are met for children diverted from detention and incarceration.
- Required the Office of Policy and Management (OPM) to produce an annual report on juvenile recidivism, beginning no later than August 15<sup>th</sup>, 2018.
- Prevented the misuse of information gathered from youth during the detention intake process, allowing the full disclosure of sensitive information only for the purpose of providing appropriate treatment.



### III. 2018 RECOMMENDATIONS FROM THE DIVERSION WORK GROUP

#### Goal: Increase Diversion 20% by July 2018

**RECOMMENDATION 1** 1.1. Beginning July 1, 2018, the State Department of Education and the Youth Service Bureau network should implement the Community-Based Diversion System Plan, developed pursuant to PA 16-147, § 18(k), over a two-year period within available appropriations.

1.2. In the 2018 legislative session, the legislature and the Governor should adequately fund implementation of the Plan.

#### Potential Impact

The Community-Based Diversion System Plan 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 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.

**RECOMMENDATION 2** 2.1. Beginning July 1, 2018, the State Department of Education should implement the School-Based Diversion Framework over a two-year period, within available appropriations.

2.2. In the 2018 legislative session, the legislature and the Governor should adequately fund implementation of the Framework.

#### Potential Impact

Approximately 20% of youth in Connecticut's juvenile justice system are referred from educational settings – and a disproportionate number of those are youth of color. These referrals are most often for minor offenses: Almost 30% of school referrals to juvenile court in 2017 were for breaches of the peace. If the School-Based Diversion Framework can keep more of these young people in school and learning, meeting their needs through community services rather than in the justice system, Connecticut could see improved educational outcomes and life opportunities for at-risk youth; decreased racial and ethnic disparity in both the educational and justice systems; decreased costs associated with justice system involvement and poor educational outcomes; and decreased recidivism.

**RECOMMENDATION 3** The JJPOC should develop a justice reinvestment plan to guide the reinvestment of any savings realized from the decreased use of incarcerations and congregate care towards strategic investments in home-, school-, and community-based behavioral health services and supports for children diverted from, or involved with, the juvenile justice system.

### Potential Impact

Connecticut's juvenile justice system is moving away from a focus on arrest and incarceration and the associated high costs of formal court processing and custodial care. Instead, we have embraced research and best practices that counsel connecting children and their families with community-based resources and diverting youth away from state agencies and juvenile court wherever possible. Research shows, for instance, that enhancing access to evidence-based behavioral health services reduces future rates of delinquency and improves overall functioning among youth who are involved with, or at risk of involvement with, the juvenile justice system. But state resource investments have not always followed as Connecticut shifted from a back-end-focused justice system to a system focused on prevention and diversion. Effectively implementing a statewide system of prevention and diversion will require reprioritization of resources to significantly increase capacity to meet the behavioral health and mental health needs of children outside of residential settings.

### BACKGROUND

Implementing both the Community-Based Diversion System and the School-Based Diversion Framework, which are designed as complementary parts of a coherent whole, will ensure a comprehensive and integrated approach that reduces unnecessary arrests within schools and helps all at-risk youth receive services and supports in their own homes and communities wherever possible. Together, the two components of the diversion system will create a continuum of early identification, screening, and intervention that addresses the individual criminogenic, social/emotional, behavioral, mental health and academic needs of at-risk youth within the context of their families, schools, and communities. Ultimately, no child should enter the juvenile justice system without having exhausted appropriate school and community resources, and the school and community resources available to a child/family should not be determined by accident of geography.

The Community-Based Diversion System which was developed by the Diversion Work Group in response to Public Act 16-147, § 18(k), required the submission of a detailed implementation plan, including cost options, to address the needs of children who are diverted from the courts. The plan, which is attached to this document as Addendum A, provides a roadmap for the development and deployment of effective, developmentally-appropriate, community-based responses to divert children from the juvenile justice system.

At the core of the plan is the state's existing network of Youth Service Bureaus (YSBs). The enabling YSB legislation, CGS §10-19m, requires YSBs to assess the community needs of children, identify gaps in service, coordinate services to fill the gaps and avoid duplication of services in an Administrative Core Unit (ACU) function. Currently there are 101 YSBs serving 144 towns across the state. A municipality or private organization may operate an YSB directly or combine with one or more towns. Services provided by YSBs vary by community and, by design, are responsive to the needs of each community. YSBs are one of only a

handful of state funded programs that legislatively require a 100% match from municipal government. Additionally, YSBs provide, contract for, or refer to services that address the needs of children who are or could be in contact with the juvenile justice system.

As the Coordinating Hub of a community diversion system, YSBs accept direct referrals (i.e., diversions) from police, parents, schools, community organizations, and state agencies (e.g., Department of Children and Families, Court Support Services Division). Implementation with funding will increase the capacity of Youth Service Bureaus (YSBs) to function as the coordinating hub for the Community-Based Diversion System, which includes serving as the centralized diversion, screening, and referral mechanism.

Strengthening and expanding Connecticut's diversion system is particularly important in light of legislation that removes all Families With Service Needs cases from juvenile court jurisdiction by July 1, 2019. Today, connecting children with community-based services in Families With Service Needs cases is a role that is often played by juvenile court probation officers. The community-based diversion system plan ensures the important role of referral, support, and case management does not disappear, but is instead embedded back into the community – where it always belonged.

YSBs already partner with schools to provide individualized, developmentally-appropriate supports and services to children and their families. The strong partnership between YSBs and the educational system is critically important to the successful implementation of the School-Based Diversion Framework.

The School-Based Diversion Framework – Addendum B – was developed in response to Public Act 16-147, § 11, which required the development of a plan for school-based diversion initiatives to reduce juvenile justice involvement among children with mental health needs in schools with high rates of school-based arrests, disproportionate minority contact, and a high number of juvenile justice referrals.

Children who are diverted from the juvenile justice system and into community-based behavioral health services experience better outcomes, including lower rates of future criminal behavior. The School-Based Diversion Framework is designed to keep young people accused of low-level misbehavior in school and learning, so that they can more effectively receive services and supports that meet their needs. While Connecticut benefits from a wide array of behavioral health services, the Framework responds to a key set of barriers to access that include unequal service distribution across the state and imperfect coordination between health service providers and schools.

The School-Based Diversion Framework proposes specific steps and outlines the costs required to fully implement a school diversion system in Connecticut:

- First, the Framework recommends a set of proposed steps to promote better alignment and coordination between the behavioral health and juvenile justice systems.
- Second, the Framework lays out priority action steps for all schools in Connecticut to address diversion and mental health promotion, particularly for those schools that are not implementing a comprehensive arrest reduction initiative.
- Third, the Framework offers recommendations targeted at schools with the highest rates of arrest and juvenile court referrals with a focus on the implementation of Connecticut's School-Based Diversion Initiative (SBDI).

#### IV. 2018 RECOMMENDATIONS FROM THE INCARCERATION WORK GROUP

##### Goal: Decrease Youth Incarceration 30% by July 2018

**RECOMMENDATION 1** In the 2018 legislative session, the legislature and governor should enact legislation providing that:

1.1. Beginning January 1, 2021, no child under the age of 18 shall be housed in the custody of the Department of Correction.

1.2. On or before October 1, 2019, the Department of Correction, the Department of Children and Families, the State Department of Education, and the Judicial Branch shall submit to the Juvenile Justice Policy and Oversight Committee a plan for implementing Recommendation 1.1. The purpose of the plan shall be to ensure that youth prosecuted as adults are detained and incarcerated in a safe, secure, and developmentally appropriate environment that is consistent with Recommendation 1.1.

The plan shall include:

(A) Recommendations for any legislation that may be necessary or appropriate to implement Recommendation 1.1.

(B) Recommendations for programs, services, and supports that shall be provided to detained or incarcerated youth who are prosecuted as adults.

##### Potential Impact

Removing youth from adult custody contributes to better life outcomes, keeps young people safe, and may decrease the likelihood of recidivism. Youth in adult facilities are more likely to be physically and sexually abused than youth in facilities that are designed and run specifically for children. And youth in facilities that are designed and managed to meet the developmental needs of adolescents are more likely to receive the services and supports they need in order to develop in positive ways. These young people return to the community better-prepared to continue their educations, get well-paying jobs, and avoid continued law-breaking and rearrest.

**RECOMMENDATION 2** The Juvenile Justice Policy and Oversight Committee should periodically request, receive, and review information regarding conditions of confinement, including services available, for youth in correctional facilities and other out-of-home placements in the juvenile and criminal justice systems.

##### Potential Impact

The JJPOC is charged with oversight of the juvenile justice system, and has the discretion to continue directing its attention to ensuring that youth in justice system custody are safe and receiving the services that they need to thrive and desist from further offending. Continued JJPOC attention to conditions of confinement can increase accountability of state agencies and private actors alike, and can improve safety and services for youth in the deep end of the justice system. Youth held in safe, developmentally

appropriate facilities who receive appropriate physical and mental health, education, and other services are more likely to successfully re-enter their communities and avoid re-offending.

## **BACKGROUND**

Over 30 months since the JJPOC first articulated its strategic goals in June of 2015, Connecticut has reduced youth incarceration by almost 50%, far outstripping the JJPOC's target of a 30% reduction. The closure of the Connecticut Juvenile Training School (CJTS) by July 2018 will likely contribute to the further reductions in youth incarceration.

Another legislative change that will greatly affect the Connecticut Juvenile Justice System is PA 17-02 from the June Special Session, which transfers juvenile justice functions from the Department of Children and Families (DCF) to the Judicial Branch Court Support Services Division (CSSD), effective July 1<sup>st</sup>, 2018. This change provides Connecticut with an opportunity to replace its single centralized secure facility with a continuum of small residential programs.

As Connecticut's juvenile justice system adapts to comply with PA 17-02's mandate, an opportunity exists to remake our youth system completely, not only reforming our system for housing youth in the deep end of the juvenile justice system but also protecting the safety and meeting the developmental needs of the relatively small number of youth who are confined in adult facilities.

Right now in Connecticut, youth who are prosecuted as adults are detained prior to trial, and incarcerated after conviction, in the custody of the Department of Correction (DOC). As of January 3, 2018, 53 boys under 18 were being held at DOC's Manson Youth Institution (MYI), and 2 girls under the age of 18 were held at the York Correctional Institution (YCI). Connecticut has reduced the number of youth in adult custody in recent years – but we continued to lag behind best practices by holding any children, whether before or after conviction, in adult correctional facilities. Both Connecticut's experience and national expertise tells us that children are unsafe and poorly served in adult prisons.

Recently, the Office of the Child Advocate (OCA), with the cooperation and assistance of DOC, collected available information regarding all 74 youth incarcerated at MYI on July 6<sup>th</sup>, 2016 and the services they were receiving during confinement. The OCA found that the challenges of housing youth in the adult correctional system led to significant instances where youth were confined to their cells for inappropriate lengths of time and denied access to the right types of programs and services.

Despite the concerted effort of DOC administration and staff, the inherent limitations created by housing youth in an adult correctional system are numerous and difficult to mitigate. DOC policies and procedures are, by and large, based on an adult model of correction. The DOC's resources are extremely limited with regard to the provision of individual mental health supports and the provision of pro-social opportunities for youth—and the vast majority of youth do not receive regular mental health programming or intervention in the adult system, even though being confined as a youth within an adult prison is in and of itself a mental health challenge. Given the lack of capacity within the adult correctional system to meet the rehabilitative, educational and clinical needs of youth, combined with the overwhelming and far-reaching stigma of incarceration, the twin goals of juvenile rehabilitation and improved public safety will be better met by serving youth in a system that is uniquely designed to meet the needs of high-risk juvenile offenders.

## V. 2018 RECOMMENDATIONS FROM THE RECIDIVISM REDUCTION WORK GROUP

### Goal: Decrease Youth Recidivism 10% by July 2018

- RECOMMENDATION 1** A. The JJPOC should propose legislation that calls for a process of planning for the development of a consolidated system for educating youth in custody of the justice system. The planning process will include key state agencies – including the State Department of Education, the Court Support Services Division of the Judicial Branch, the Department of Correction; local education agencies in districts that house detention centers; and experts in educating youth in custody. By January of 2019, the process will result in a detailed implementation plan, submitted to relevant legislative committees and to the JJPOC. The plan will include provisions for:
- Designating a single state agency, supported by resources reallocated from the existing fragmented array of service providers, to be responsible for ensuring high-quality educational services and transitional supports for youth in the deep end of the justice system.
  - Ensuring that a range of quality educational services are delivered to youth in justice system custody, whether directly by a state or local agency or else by a single contracted provider with statewide scope. The range of services provided will include, at a minimum: A traditional high-school diploma program; an accelerated credit recovery program; vocational training programs; and access to post-secondary educational options, whether on-site or through partnership(s) with institutions of higher education.
  - Developing and deploying a comprehensive quality control system, overseen by the single state agency responsible for educating youth in the justice system, for the education of youth in justice system custody and during transitions between custody and the community. The quality control system should include: Clear standards for education in each context, from detention to secure custody to reentry; benchmarks for achievement in each context; a data collection and reporting system, including publicly-available school profiles with relevant quality metrics; evaluation procedures that include external monitoring and accreditation; and a set of meaningful interventions, tailored for the custodial context, if education falls short of quality benchmarks.
  - Designating appropriate staffing within the single state agency responsible for educating youth in the justice system to ensure system-wide planning; oversight; quality control; legal compliance; and the allocation of state and federal funds for education of youth in justice system custody.
  - Engaging one or more curriculum development experts to support learning in custodial settings statewide and to develop a flexible, high-interest, modular curriculum that is aligned with state standards and adapted to the context of educating youth in custody.

- Engaging professional development and teacher training specialist or specialists, and creating a statewide professional development community for teachers and other educational staff who work with youth in the deep end of the justice system.
- Engaging regional reentry coordinators to support youth returning to the community from both short-term detention and long-term custody. The coordinators' activities and outcomes will be monitored by the single state agency responsible for educating youth in the justice system.

B. The JJPOC should propose legislation requiring that the plan developed pursuant to Recommendation 1 be implemented no later than July 1, 2020.

C. Concurrent with implementation, the single state agency responsible for educating youth in the justice system should define, and the consolidated system for educating youth in the deep end of the justice system should adopt, a clear protocol with timelines for educational support of youth transitioning into, and out of, custodial facilities. The protocol should mandate team-based reentry planning and should include clear and ambitious timelines for records transfer at intake and release from custody; timelines for reenrollment; and timelines for credit transfer when return to community-based educational settings.

D. The JJPOC should propose legislation that requires school districts to continuously maintain the enrollment of youth who are held in juvenile detention facilities.

E. The State Department of Education should incentivize and support the development of a data system that allows real-time sharing of educational records among schools statewide. The system will support smooth transitions by ensuring seamless transfer of information between schools in facilities and schools in the community.

F. The JJPOC should propose legislation requiring each school district that sends a significant number of youth into the juvenile justice system to designate a staff person who will serve as liaison between the justice system and the school district to facilitate smooth transitions of youth between custodial facilities and community schools.

G. The JJPOC should propose legislation requiring the Connecticut Technical High School system to provide career and technical education programming for youth who are in justice system custody or who are returning to the community from custody. That collaboration should include creating a pathway to enrollment, and reserving capacity to enroll, for qualified and interested youth who are returning to the community from a justice system facility.

## Potential Impact

Improving educational outcomes is one of the surest ways of reducing recidivism. Reducing recidivism, in turn, pays off in improved life outcomes for youth; safer communities; and decreased spending on expensive deep-end interventions like juvenile confinement and adult incarceration. One study found that youth with above-average educational achievement in custody are 69% more likely to return to school after release, and reconnection to school strongly reduces likelihood of rearrests: "Youth with higher school attendance had a 26.4% lower likelihood of being rearrested at 12 months and were 15.3% less likely to be rearrested at 24 months." The upshot of improved school connection is higher attainment – like high school graduation and college attendance, which dramatically increase life opportunities – and lower public safety costs. As former U.S. attorney general, Eric Holder put it: "[A] \$1 correctional education investment can cut re-incarceration costs by between \$4 and \$5 during the first three years post-release. Less crime means not only lower prison costs – it also means safer communities... High-quality correctional education is thus one of the most effective crime-prevention tools we have."

**RECOMMENDATION 2** The Juvenile Justice Policy and Oversight Committee should formally request that relevant state agencies and education providers report annually to the JJPOC on continued compliance with the provisions of PA 16-147 § 13 forbidding the use of out-of-school suspensions in educational settings in custodial facilities. That report should include data on all youth who have been removed or excluded from educational settings as a result of alleged behavior occurring in those educational settings, and should extend to both state-run and contract facilities.

## Potential Impact

The JJPOC endorsed legislation to limit out-of-school suspensions in custody because exclusionary disciplinary has been shown to harm commitment to school and educational outcomes for at-risk youth. Data presented to the Recidivism Reduction Work Group suggests that, in the first months after it took effect, the law has had a real short-term impact on exclusion of youth from the classroom, eliminating the use of out-of-school suspensions at the Connecticut Juvenile Training School. But questions about statutory interpretation, and the lack of availability of data from contract facilities, made it difficult to understand the overall impact of the new law. The JJPOC should take steps to continue its oversight function and ensure successful across-the-board implementation.

**RECOMMENDATION 3** The JJPOC should formally request that state agencies that house justice-involved youth under 18 report annually to the JJPOC, or one of its sub-groups, on continued compliance with the provisions of PA 16-147 § 16 requiring the use of de-escalation techniques to reduce re-arrests for youth in custody. That report should include data on all re-arrests and uses of confinements and restraints for youth in custody, in both state-run and contract facilities.

## Potential Impact



Effective use of de-escalation techniques by facility staff can keep youth who are already in the deep end of the justice system out of a harmful cycle of rearrests, conviction, and re-incarceration. Predictably, that reduction in recidivism saves money and helps young people to succeed. In 2017, the Recidivism Reduction Work Group gathered data to set a baseline against which ongoing de-escalation programs and techniques can be measured. Continued JJPOC engagement will allow agencies to track progress and ensure continued compliance with the law.

**RECOMMENDATION 4** The JJPOC should continue to provide input to, and seek updates from, the Office of Policy and Management as it moves towards producing its first report on juvenile recidivism in August of 2018. The JJPOC should formally request reports from OPM and other stakeholders on progress, and should assist OPM in obtaining necessary data and grappling with problems as they arise.

### Potential Impact

Connecticut lacks a reliable measure of recidivism among youth who have penetrated into state custody. It also lacks a nuanced understanding of the risk factors for recidivism among youth in the deep end of the juvenile justice system. Throughout 2017, the Recidivism Work Group was in dialogue with the Office of Policy and Management to help shape OPM's forthcoming juvenile recidivism study. The JJPOC should remain engaged, providing juvenile justice expertise to complement OPM's significant experience with data analysis and the study of adult recidivism. Continued engagement can also help OPM in obtaining the data that it needs to successfully complete its mandate. The result will be a reliable and far-reaching portrait of recidivism and its causes, which can help measure progress and guide the JJPOC and other stakeholders towards future improvements.

**RECOMMENDATION 5** The JJPOC should formally request that the Office of Policy and Management continue to update the JJPOC, or one of its Work Groups, on progress under the community supervision grant that the state received from the federal Office of Juvenile Justice and Delinquency Prevention.

### Potential Impact

The OJJDP community supervision grant offers key Connecticut cities resources to meet the needs of system-involved youth in their own homes and communities, rather than in custody. If the grant-supported program is successful, it can help reduce re-offending and improve life outcomes for youth in the system today and can also point the way towards practices that can make a lasting difference for our juvenile justice system. Continued JJPOC engagement can promote accountability; allow stakeholders to observe grant outcomes and learn important lessons for future justice system reform efforts; and promote broad understanding of the programs and approaches that are part of the grant, increasing buy-in and support for sustaining the grant's interventions even after federal funding stops.

### BACKGROUND

The Recidivism Reduction Work Group studies and recommends policies that are designed to reduce re-offending among youth who are already involved with the juvenile and criminal justice systems. In 2017, the

Work Group focused its substantive reform efforts on improving the provision of key supports and services that are proven buffers against re-offending for youth who are in justice system custody. The Work Group's focus also extended to promoting accurate, meaningful measurements of youthful re-offending, so that Connecticut's juvenile justice system can better develop strategies to prevent youth from re-entering the justice system. The Work Group, and other stakeholders, can only measure the effectiveness of policy and practice recommendations if the state is collecting and reporting high quality youth recidivism data. The Work Group's major projects included:

- *Improving education for youth in custody:* Driven by mandates in PA 16-147, the Work Group studied a wide range of interventions designed to improve educational outcomes for youth in the custody of the juvenile and criminal justice systems. The Work Group's efforts ranged from developing a comprehensive report on structural and programmatic improvements for schools in custodial settings to monitoring implementation of PA 16-147, §13's ban on out-of-school suspensions in custodial settings.
- *De-escalation training in custodial facilities:* The Work Group monitored implementation and provided feedback on the statutory mandate of PA 16-147 requiring key state agencies to implement programs that train staff on de-escalation techniques, so that behavioral problems for youth in custody will not escalate into offenses that can give rise to arrest and prosecution.
- *Measuring and understanding recidivism:* The Work Group engaged with the Office of Policy and Management, with state agencies, and with academic scholars to help develop a meaningful, ongoing mechanism for tracking and understanding youth recidivism.

Moving forward, the Work Group recommends a set of *non-legislative steps* that will position the JJPOC to continue monitoring outcomes and facilitating the development of solutions in the areas where the Work Group saw meaningful progress during 2017. The Work Group also recommends that the JJPOC endorse a set of fixes for education in custody that should be embodied in *legislation* to be offered in 2018.

The core of the Work Group's focus in 2017, and the genuinely new opportunity for reducing recidivism that presents itself to the JJPOC, is in the area of education reform. What follows is a high-level summary of the Work Group's findings and conclusions related to education. Attachment D to this document offers a deeper look.

### **The Importance of Improving Educating for Young People in Connecticut's Justice System**

Justice systems across the country struggle to educate youth in custody. U.S. Department of Education data show that most youth in long-term custody came out with literally nothing to show for it educationally: That is, most students enrolled in a juvenile justice school for 90 days or more "failed to make any significant improvement in learning and academic achievement" over that time.<sup>1</sup>

Like many states, Connecticut has sparse-to-nonexistent data on educational outcomes for youth in the deep end of the justice system. But the data that we have are troubling, and reflect some of the most

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<sup>1</sup> The Southern Education Foundation, "Just Learning: The Imperative to Transform Juvenile Justice Systems Into Effective Educational Systems" p. 15 (Atlanta: The Southern Education Foundation, 2014)

disturbing national trends. In 2015, for instance, 91% of youth in the custody of the Department of Children and Families (DCF) – which holds both justice system involved youth and youth in the abuse and neglect system – did not reach the state’s math achievement benchmark, and 80% did not measure up in reading.<sup>2</sup> And DCF’s Fostering Responsibility, Education and Employment reentry program – which contracts with nonprofits to provide case management for paroled youth – reports that “of the discharged youth who are enrolled in secondary or post-secondary education, the level of engagement remains low.”<sup>3</sup> FREE’s Hartford contractor quantifies that disengagement: Of paroled youth served in the Hartford region in FY 2017, only 14% had a school attendance rate of 80% or more within six months after release.<sup>4</sup>

But effectively educating youth in custody can make an enormous positive difference for both the lives of our children and the safety of our communities. Studies have repeatedly found that youth who gain educational ground in custody are more likely to stay in school when they come home and less likely to reoffend. One study found that youth with above-average achievement in custody were 69% more likely to return to school after release; meanwhile, “youths with higher school attendance had a 26.4% lower likelihood of being rearrested at 12 months and were 15.3% less likely to be rearrested at 24 months.”<sup>5</sup> Even those youth who attended school and were rearrested were picked up on less-serious allegations.<sup>6</sup> As former U.S. Attorney General Eric Holder summed up the research in a “Dear Colleague” letter, written together with U.S. Secretary of Education Arne Duncan, imploring states to improve education in juvenile justice facilities: “High-quality correctional education is thus one of the most effective crime-prevention tools we have.”<sup>7</sup>

### Diagnosing the Barriers to Educational Excellence for Connecticut’s Youth in Custody

Working throughout 2017, a subgroup of the Recidivism Reduction Work Group diagnosed four key problem areas that need attention from policymakers so that we can improve educational outcomes for youth in the deep end of the justice system:

- *We are fragmented and expensive:* Connecticut has a welter of uncoordinated state and local agencies and actors providing educational services for youth in justice system facilities, each with its own policies and practices. Fragmentation costs money by defeating economies of scale in an era of shrinking budgets and falling populations of youth in custody. For instance: In 2016, education at the Connecticut Juvenile Training School and in our detention centers cost more than \$35,000 per seat in staffing alone. But, because we have no economies of scale, even that was not enough, as the detention center schools in Hartford and Bridgeport slashed expenses to the extent that teachers were not always available in every classroom.

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<sup>2</sup> Connecticut Department of Children and Families, “Raise the Grade Pilot: Final Report” pp. 21-22 (2016), available at [http://www.portal.ct.gov/-/media/dcf/DataConnect/pdf/17a-64\\_raise\\_the\\_grade\\_report\\_2-24-2016.pdf?la=en](http://www.portal.ct.gov/-/media/dcf/DataConnect/pdf/17a-64_raise_the_grade_report_2-24-2016.pdf?la=en) (last visited November 8, 2017).

<sup>3</sup> See <http://portal.ct.gov/DCF/RBA/RBA>.

<sup>4</sup> Data provided by Catholic Charities of Hartford to the Work Group, on file with author.

<sup>5</sup> Thomas G. Blomberg, *et. al.*, “Incarceration, Education and Transition from Delinquency,” p. 361, 39 *Journal of Criminal Justice* 355–365 (2011). *And see* Thomas G. Blomberg *et. al.*, “Is Educational Achievement a Turning Point for Incarcerated Delinquents Across Race and Sex?,” 4 *Journal of Youth Adolescence* 210 (2012) (summarizing study results as “youth with above average academic achievement while incarcerated were significantly more likely to return to school post-release, and youth with above average attendance in public school were significantly less likely to be re-arrested in the 1-year post-release period.”).

<sup>6</sup> *Id.*

<sup>7</sup> *Supra* note 46.

- *We lack quality standards, monitoring, and accountability:* Connecticut has no quality standards for educating out-of-home youth in the justice system; very little data reporting and external monitoring for educational programs in custodial facilities; and few accountability mechanisms to fix failing programs.
- *We lack specialization and expertise:* Right now some educational services are provided by programs that lack specialized expertise in educating youth in custody. Largely because of resource deficits that come with fragmentation and the absence of economies of scale, some providers are not able to invest in teacher training, curriculum development, or the multiple pathways to success – like rapid credit recovery, vocational education, and post-secondary options – that are necessary for youth in custody.
- *We let youth slip during transitions:* Fragmentation makes seamless transitions among facilities, and between facilities and the community, more difficult. Connecticut struggles with records collection and transfer; identifying youth with special needs; and reentry planning and support.

### **Solutions: The Opportunity to Transform Education for Justice-Involved Youth**

The Work Group's education-related recommendations, which are designed to speak directly to these problem areas, are offered at a time of unusual opportunity to effect far-reaching reform in Connecticut's juvenile justice system.

Legislation passed in 2017 requires a fundamental structural change in Connecticut's juvenile justice system, charging the Judicial Branch's Court Support Services Division with designing and overseeing a single, coherent continuum of justice supervision for youth from arrest through disposition. At the same time, Connecticut is proceeding with plans to close its remaining secure facility for boys, in the face of mounting evidence that large locked facilities are less effective at reducing recidivism and improving life outcomes than community-based services. The closure of the Connecticut Juvenile Training School and the consolidation of juvenile justice services come at a time when the juvenile justice system itself has been rapidly shrinking: For instance, the number of Connecticut youth in confinement fell by 83% from 2006 to 2015, the highest rate of decline in the country over that time period.

The confluence of these three trends – consolidation, moving away from juvenile incarceration, and a shrinking system – creates an opportunity to effect structural and policy change to solve Connecticut's chronic problem of poor educational outcomes for justice-involved youth:

- Connecticut now envisions a comprehensive system of support and supervision for justice-involved youth, characterized by seamless continuums of services and clear lines of authority. In other words: Rather than a network of agency providers, Connecticut is creating a truly coordinated juvenile justice system. A similar approach seems promising in the education realm: Consolidation of responsibility and oversight under a single state agency.
- With a shrinking system and the replacement of a single large training school with regionalized facilities that look more like group homes, the existing problems posed by small scale will only be exacerbated – unless we can rethink the provision of education, and find a way to create

economies of scale and consolidated mechanisms for support, training, and oversight across the entire justice system.

- As stays in juvenile justice custody grow shorter, and youth move more frequently on a continuum among smaller facilities and the community, it becomes more important to promote truly seamless transitions and to measure outcomes at the systems level, not at the level of individual providers.

## VI. 2017 JJPOC WORK GROUP MEMBERSHIP

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### Diversion Work Group Membership

Middletown Youth Service Bureau 372 Hunting Hill Ave, Middletown  
Meets the first Friday of the month from 11:00 a.m. - 12:30 p.m.  
Co-chairs: Erica Bromley and John Frassinelli

<u>Name</u>	<u>Agency</u>
Erica Bromley	Connecticut Youth Services Association (CYSA)
John Frassinelli	State Department of Education (CSDE)
Erika Nowakowski	Tow Youth Justice Institute (TYJI)
Francis Carino	Office of the Chief State's Attorney
Jeffrey Vanderploeg	Child Health and Development Institute of CT, Inc.
Yecenia Casiano	Child Health and Development Institute of CT, Inc.
Jeana Bracey	Child Health and Development Institute of CT, Inc.
Christina Quaranta	Connecticut Juvenile Justice Alliance (CJJA)
Justin Carbonella	Middletown Youth Service Bureau
Dana Forry	Bridgeport LIST
Hannah Granfield	The Governor Prevention Partnership
Kari Sullivan	State Department of Education (CSDE)
Leon Smith	Center for Children's Advocacy
Kathryn Meyer	Center for Children's Advocacy
Kristina Stevens	Department of Children and Families (DCF)
Tina Jefferson	Department of Children and Families (DCF) Region 6
Julie Revaz	Judicial Branch - Court Support Services Division (CSSD)
Daisy Ortiz	Judicial Branch - Court Support Services Division (CSSD)
Michaelangelo Palmieri	Judicial Branch - Court Support Services Division (CSSD)
Jaquita Monroe	Judicial Branch - Court Support Services Division (CSSD)
Lauren Ruth	Connecticut Voices for Children
Elisabeth Cannata	Wheeler Clinic
Anna Flamengo	CT Junior Republic (CJR)
Terry Nowakowski	Partnership for Strong Communities
Sharon Elias	Public Defenders Office Waterbury
Louise Pyers	National Alliance on Mental Illness (NAMI)
Susan Kelly	National Alliance on Mental Illness (NAMI)
Diane Thompson	NAFI CT
Dawn Hatchett	Lifebridge
Amy Evison	Community Health Resources
Danielle Cooper	Tow Youth Justice Institute (TYJI)
Kitty Tyrol	Tow Youth Justice Institute (TYJI)
Gabriela Brito	Tow Youth Justice Institute (TYJI)
Janmeng Ma	Tow Youth Justice Institute (TYJI)

### Incarceration Work Group Membership

New Haven Juvenile Courthouse-239 Whalley Ave. New Haven  
Meets the third Monday of the month from 1:00 p.m. - 2:30 p.m.  
Co-chairs: Judge Bernadette Conway and Sen. Gary Winfield

<u>Name</u>	<u>Agency</u>
Judge Bernadette Conway	Connecticut Judicial Branch
Sen. Gary Winfield	Legislature
Erika Nowakowski	Tow Youth Justice Institute (TYJI)
Bob Francis	Regional Youth Adult Social Action Partnership (RYASAP)
Martha Stone	Center for Children's Advocacy (CCA)
Beresford Wilson	Favor
Sarah Eagan	Office of Child's Advocate (OCA)
Abby Anderson	Connecticut Juvenile Justice Alliance (CJJA)
Francis Carino	Office of the Chief State's Attorney
Renee Cimino	Office of the Chief Public Defender
James Connolly	Office of the Chief Public Defender
Fernando Muniz	Department of Children and Families (DCF)
Bill Rosenbeck	Department of Children and Families (DCF) - CJTS
Linda Dixon	Department of Children and Families (DCF)
Scott Semple	Department of Correction (DOC)
Cheryl Cepelak	Department of Correction (DOC)
John Alves	Department of Correction (DOC)
John Holland	Department of Mental Health and Addiction Services (DMHAS)
Deb Fuller	Judicial Branch - Court Support Services Division (CSSD)
Cathy Foley Geib	Judicial Branch - Court Support Services Division (CSSD)
Jack Fitzgerald	Judicial Branch - Court Support Services Division (CSSD)
Kimball Robbins	Judicial Branch - Court Support Services Division (CSSD)
Patricia Nunez	Judicial Branch - Court Support Services Division (CSSD)
Tracy Duran	Judicial Branch - Court Support Services Division (CSSD)
Tasha Hunt	Judicial Branch - Court Support Services Division (CSSD)
Rep. Toni Walker	Legislature
Rep. Robyn Porter	Legislature
Rep. Gary Winfield	Legislature
John Noonan	Institute for Municipal and Regional Policy (IMRP) /Results First
Bill Carbone	Tow Youth Justice Institute (TYJI)
Danielle Cooper	Tow Youth Justice Institute (TYJI)
Gabriela Brito	Tow Youth Justice Institute (TYJI)
Sarah Giarrusso	Tow Youth Justice Institute (TYJI)
Sara Jeffries	Tow Youth Justice Institute (TYJI)
Melissa Pierre	Tow Youth Justice Institute (TYJI)

### Recidivism Reduction Work Group Membership

The Village 1680 Albany Ave. Hartford Hillyer Conference Room  
Meets the first Monday of the month from 11:00 a.m. -1:00 p.m.  
Co-chairs: Abby Anderson and Hector Glynn

<u>Name</u>	<u>Agency</u>
Hector Glynn	Village for Children and Families
Abby Anderson	Connecticut Juvenile Justice Alliance (CJJA)
Christine Rapollo	Office of Chief Public Defender
Josh Perry	Tow Youth Justice Institute (TYJI) Consultant
Martha Stone	Center for Children's Advocacy (CCA)
Doreen Thompson	Community Partners in Action (CPA)
Alicia Woodsby	Partnership for Strong Communities
Agata Raszczyk-Lawska	Connecticut Legal Services
Scott Wilderman	Career Resources
Steve Smith	Department of Children and Families (DCF)
Bill Rosenbeck	Department of Children and Families (DCF) - CJTS
Glen Peterson	State Department of Education (SDE)
Francis Carino	Office of the Chief State's Attorney
Susan Hamilton	Office of Chief Public Defender
Julie Revaz	Judicial Branch - Court Support Services Division (CSSD)
Peter Kochol	Judicial Branch - Court Support Services Division (CSSD)
Mark Irons	Judicial Branch - Court Support Services Division (CSSD)
Jaquita Monroe	Judicial Branch - Court Support Services Division (CSSD)
Ivan Kuzyk	Office of Policy and Management (OPM)
John Noonan	Institute for Municipal and Regional Policy (IMRP) /Results First
Rep. Robyn Porter	Legislature
Rep. Toni Walker	Legislature
Rep. Gary Winfield	Legislature
Bill Carbone	Tow Youth Justice Institute (TYJI)
Danielle Cooper	Tow Youth Justice Institute (TYJI)
Erika Nowakowski	Tow Youth Justice Institute (TYJI)



### Cross Agency Data Sharing Workgroup Membership

Office of Policy and Management  
Meets the third Monday of the month from 11:00 a.m. -1:00 p.m.  
Co-chairs: Brian Hill and Natalie Wagner

<u>Name</u>	<u>Agency</u>
Brian Hill	Judicial Branch – Court Support Services Division (CSSD)
Natalie Wagner	Office of Policy and Management (OPM)
Erika Nowakowski	Tow Youth Justice Institute (TYJI)
Christine Rapillo	Office of Chief Public Defender
Susan Hamilton	Office of Chief Public Defender
Mickey Kramer	Office of Child Advocate
Miguel de Figueroa	University of Connecticut (UCONN)
Ajit Gopalakrishnan	State Department of Education (SDE)
Susan Smith	Department of Children and Families (DCF)
Barbara J. Claire	Department of Children and Families (DCF)
Mary Lansing	Department of Corrections (DOC)
Patrick Hynes	Department of Corrections (DOC)
Peter Kochol	Judicial Branch - Court Support Services Division (CSSD)
Bryan Sperry	Judicial Branch - Court Support Services Division (CSSD)
Andy Condon	Department of Labor (DOL)
Noel Miano	Department of Mental Health and Addiction Services (DMHAS)
Dominic Falcone	Department of Mental Health and Addiction Services (DMHAS)
Ron Schack	Charter Oak Group, Inc.
Alicia Woodsby	Partnership for Strong Communities
Lauren Ruth	CT Voices for Children
Toni Walker	Legislature
Rep. Robyn Porter	Legislature
Rep. Gary Winfield	Legislature
Danielle Cooper	Tow Youth Justice Institute (TYJI)
Lanmeng Ma	

#### Standing Members of all Workgroups:

Representative Toni Walker and Secretary Ben Barnes  
JJPOC Co-chairs

Representative Robyn Porter and Senator Gary Winfield  
Connecticut General Assembly

William H. Carbone  
Tow Youth Justice Institute/University of New Haven