

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

## **Proposed 2019 Recommendations For Discussion and Adoption**

January 17, 2019



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#### I. 2019 JJPOC RECOMMENDATIONS IN BRIEF

EXECUTIVE WORKGROUP RECOMMENDATION	It is recommended that JJPOC propose legislation:	
RECOMMENDATION	<ul> <li>A. To raise the age of juvenile jurisdiction from 17 to 18 by January 1, 2021.</li> <li>B. To have the JJPOC monitor the implementation of this change in juvenile jurisdiction, in the event it is enacted into law;</li> <li>C. To have JJPOC share relevant findings resulting from this oversight with the committees of cognizance of the General Assembly; and that,</li> <li>D. By July 1, 2023, the JJPOC should prepare a process evaluation on the implementation of this change and share such evaluation with the committees of cognizance of the General Assembly.</li> </ul>	
INCARCERATION WORK GROUP	It is recommended that JJPOC:	
RECOMMENDATION 1	A. Will conduct a review of how other states house the 15 to 18 year old youth whose cases are processed in the adult court system. This review should address both the pre-adjudication and post adjudication housing matters and should include an examination of organizational and programmatic alternatives.	
	B. Will conduct a study on other states' laws regarding the transfer of juvenile cases to adult court and the outcomes associated with those laws, including their impact on public safety and their effectiveness in changing behavior.	
	C. Will ensure that such review and study are completed by January 2020 and that such study includes a plan for implementation of any recommended changes, including cost options where appropriate, by July 1, 2021.	
INCARCERATION WORK GROUP	It is recommended that JJPOC:	
RECOMMENDATION 2  Submitted in accordance with the findings and recommendations in the Office of the Child	A. The Department of Correction and the Judicial Branch/CSSD should implement the following best practices in juvenile detention centers and correctional facilities, where youth, 17 and under are housed:      1. To address suicidal and self-harming behaviors of youth	
Advocate Report, "Incarcerated/Detained Youth-an Examination of	in confinement:	



### Conditions of Confinement".

- a) Conduct suicide screening on a routine basis for all confined youth. Any risk or instances of suicidal behavior should trigger a comprehensive case review with participation from clinical staff and facility operations.
- b) Prohibit closed-door cell confinements for juveniles who present with imminent risk of suicide.

### 2. To address the negative impacts of solitary confinement:

- a) The JJPOC should conduct a review of the definitions of administrative segregation, solitary confinement, seclusion, and isolation utilized or recommended by organizations, associations and other entities involved with the issue of detained youth, including but not limited to the Department of Justice, the Council of Juvenile Correctional Administrators, the National Commission on Correctional Health Care, the American Correctional Association and the American Psychiatric Association, as well as best practice recommendations regarding the maximum number of hours and days for each definition.
- b) Issue a report by October 2019 that summarizes the review and provide recommended definitions that include the maximum number of hours and days a youth may be held in administrative segregation, solitary confinement, seclusion and isolation.

### 3. To address the harmful effects of using of chemical agents (pepper spray) and prone restraints:

- a) Prohibit the use of chemical agents (pepper spray) on youth in juvenile detention and DOC facilities.
- b) Limit the use of prone restraints on youth in juvenile detention and DOC facilities.
- c) Implement policies, in accordance with best practices, regarding the use of force and use of punitive and restrictive measures for youth, regardless of the correctional setting.



### 4. To address programming and services for youth in custody:

- a) Implement a process by which all behavior intervention plans for youth whose behavior interferes with the safety of others and limits youth's participation in rehabilitation activities are developed with the youth.
- b) Provide trauma-responsive rehabilitative, pro-social, and clinical programming embedded into youth's daily schedule adequately, 7-days per week.
- c) Are resourced to ensure provision of a 7-day per week intensive pro-social, rehabilitative and clinical programming.
- d) Provide developmentally healthy and appropriate activities and recreation for youth and family members during visitation to strengthen family bonds and minimize the trauma of separation.
- e) Permit contact visit with youth unless a timely and specific assessment determines that the provision of a contact visit creates a risk of imminent risk and harm to the youth or others.
- f) Implement strategies to support therapeutic family engagement as either part of a treatment model, where applicable, or part of a discharge planning process.
- g) DOC will comply with the Public Law 108-79- Prison Rape Elimination Act standards of staffing ratios in juvenile facilities.

#### INCARCERATON WORK GROUP RECOMMENDATION 3

Submitted in accordance with the findings and recommendations in the Office of the Child Advocate Report,

"Incarcerated/Detained Youth-an Examination of Conditions of Confinement". It is recommended that JJPOC propose legislation to enhance the protection of juveniles against potential abuse or neglect in custodial settings, as follows:

A. Amend the mandated reporter statute as necessary to ensure that all staff who work with children in confinement, including contracted staff and ombudsmen/women be mandated reporters of suspected abuse and neglect.



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	B. Require that all facilities for incarcerated youth maintain an independent ombudsman/woman to meet with the youth, tour the facility, and address concerns.
INCARCERATION WORK GROUP RECOMMENDATION 4  Submitted in accordance with the findings and recommendations in the Office of the Child Advocate Report, "Incarcerated/Detained Youth-an Examination of Conditions of Confinement".	It is recommended that the DOC and Judicial Branch/CSSD create policy to enhance the protection of juveniles against potential abuse or neglect in custodial settings, as follows:  A. Facilities will have clear process for reporting suspicious adult behavior, and an effective complaint system including definitions, administrative consultation protocols, investigations and criminal referral processes, parental notification requirements, administrative resolutions steps and immunity and retaliation considerations.  B. To support a safe environment for children and staff and enhance quality assurance activities, require that all facilities for incarcerated youth/children have policies on the use of video cameras and the review of video footage and policies regarding the use of technology, electronic communication, social medial, and smart phones by staff.
INCARCERATION WORK GROUP RECOMMENDATION 5  Submitted in accordance with the findings and recommendations in the Office of the Child Advocate Report, "Incarcerated/Detained Youth-an Examination of Conditions of Confinement".	It is recommended that the DOC and Judicial Branch/CSSD provide all facility staff with trainings in evidence based practices in the following areas:  A. Identifying risk factors for suicide among the juvenile population to ensure that vulnerable youth are identified, supported and monitored, including information regarding the risk to youth created by transitions.  B. Creating a trauma-informed care environment  C. Cultural responsiveness, Race discrimination, and Implicit bias  D. Sexual abuse prevention  E. Effective youth and family partnership and engagement strategies.



#### CROSS AGENCY DATA SHARING WORKGROUP RECOMMENDATION 1

#### It is recommended that:

- A. The DOC and the Judicial Branch/CSSD collaborate with the JJPOC Cross Agency Data Sharing workgroup to develop a standardized policy, practice, and implementation of a data collection and tracking system for:
  - Suicidal and self-harming behavior of youth in confinement.
  - Use of force and physical isolation on children.
  - Education, mental health and other as determined by the Cross Agency Data Sharing workgroup
- B. That DOC and Judicial Branch/CSSD will submit an annual report to the JJPOC on:
  - Suicidal and self-harming behavior of youth in confinement.
  - Use of force and physical isolation on children.
  - Education, mental health and other as determined by the Cross Agency Data Sharing workgroup

### DIVERSION RECOMMENDATION 1

#### It is recommended that:

- A. Removal of the following remaining categories of Family With Service Needs (FWSN) referrals to Juvenile Court jurisdiction occur according to the following timeline:
  - a) Effective July 1, 2019: Has engaged in Indecent and Immoral Conduct: is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child or youth.
  - b) Effective January 1, 2020: Runaway without just cause.
  - c) Effective July 1, 2020: *Beyond Control* of his or her parents or guardians.

### DIVERSION RECOMMENDATION 2

#### It is recommended that:

The legislature establish line items within the general fund to provide recurring funding for:

A. The implementation of the Community-Based Diversion System beginning July 1, 2019, codified under 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
- B. The implementation of the School-Based Diversion Framework over a two-year period beginning July 1, 2020, codified under 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"
- C. The operation of the State's Juvenile Review Board System beginning July 1, 2019. Priority for funding will be given to Juvenile Review Boards in communities with the highest per capita rates of juvenile arrest, and who have also demonstrated implementation of the Juvenile Review Board Protocols and Procedures Guidelines.



#### II. 2019 RECOMMENDATIONS IN DETAIL FROM THE EXECUTIVE WORKGROUP

Goal: "Right-size" the juvenile justice system by setting appropriate lower and upper age limits.

Connecticut is committed to focusing its juvenile justice system to the appropriate age range of youth to provide developmentally appropriate and effective services for both the youngest youth (lower age of jurisdiction) and the older youth (including emerging adults) in order to improve individual outcomes and increase public safety.

## EXECUTIVE WORKGROUP RECOMMENDATION

#### It is recommended that JJPOC propose legislation:

- A. To raise the age of juvenile jurisdiction from 17 to 18 by January 1, 2021.
- B. To have the JJPOC monitor the implementation of this change in juvenile jurisdiction, in the event it is enacted into law;
- C. To have JJPOC share relevant findings resulting from this oversight with the committees of cognizance of the General Assembly; and that,
- D. By July 1, 2023, the JJPOC should prepare a process evaluation on the implementation of this change and share such evaluation with the committees of cognizance of the General Assembly.

#### POTENTIAL IMPACT

What is now known about brain development from studies in the field of neuroscience tells us the adult justice system does not work effectively for the emerging adult population (ages 18 – 21), their families or the community. Emerging adults are very influenced by their peers, more prone to taking risks, and are not thinking clearly about their futures. If they have grown up with trauma, these issues are magnified. Studies show that young people prosecuted as adults are more likely to reoffend and even to escalate into more serious crimes than their peers prosecuted in juvenile court, creating a threat to the safety of communities. In addition, youth in adult prison are also at high risk of suicide and assault. Right-sizing the juvenile justice system by raising the age will lead to lower recidivism rates and reduced incarceration. These changes were evidenced by the impact from the previous raise the age legislation regarding 16 and 17 year olds.

#### **BACKGROUND**

In 2005, Connecticut was one of three states automatically prosecuting 16- and 17-year-olds as adults, even for minor charges. Understanding the punitive focus of adult prisons coupled with the harm of being labeled criminal led policy makers in our state to seek more effective and developmentally appropriate methods toward rehabilitating youth.

In 2007, Connecticut was the first state to pass legislation to Raise the Age, increasing the age of youth tried in adult court to 18. From January 1, 2010, when the Raise the Age law went into effect for 16 year-old



youth, to June 30, 2012, over 8,000 youth were removed from prosecution and punishment as adults. 17 year olds became eligible for juvenile court processing on July 1, 2012 and subsequently, the 17 and under population in Connecticut correctional system decreased from 403 in 2007 to 151 in July 2012.

Connecticut's spending on juvenile justice was lower in 2011 – 2012 than it had been 10 years earlier. Connecticut's "Raise the Age" law had no noticeable negative effect on crime. From 2008 - 2014, arrests of 15- to 19-year-olds dropped by over 50%, by far the largest drop of any age group in the state. In addition, from 2010 – 2013 successful completions of probation without re-arrest, considered a critical step in reducing recidivism, improved significantly.

A misconception about the Raise the Age legislation is the impact on community safety. The change does not mean that youth 15- to 20-years old charged with serious crimes would be processed in the juvenile system. They will continue to be transferred to the adult system, the proceedings will be open to the public and the offenders will be detained in a Department of Correction facility.

A few states have now moved forward in their right-sizing of their juvenile justice systems. Vermont is implementing their raise the age legislation to 20 this year. In addition, Massachusetts and Illinois are researching a move to raise their age of juvenile jurisdiction beyond 18. In looking at the emerging adult cases in Connecticut, the vast majority are minor, misdemeanor offenses. Connecticut has developed a strong diversionary approach and is poised to further increase the age of juvenile jurisdiction to reflect the needs of emerging adults.



#### III. 2019 RECOMMENDATIONS IN DETAIL FROM THE INCARCERATION WORK GROUP

#### 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 WORK GROUP RECOMMENDATION 1

#### It is recommended that JJPOC:

- A. Will conduct a review of how other states house the 15 to 18 year old youth whose cases are processed in the adult court system. This review should address both the pre-adjudication and post adjudication housing matters and should include an examination of organizational and programmatic alternatives.
- B. Will conduct a study on other states' laws regarding the transfer of juvenile cases to adult court and the outcomes associated with those laws, including their impact on public safety and their effectiveness in changing behavior.
- C. Will ensure that such review and study are completed by January 2020 and that such study includes a plan for implementation of any recommended changes, including cost options where appropriate, by July 1, 2021.

#### **POTENTIAL IMPACT**

Intent of this recommendation is to develop a solution that will remove youth whose cases are transferred to the adult court from custody in an adult correctional system. Moreover it will results in a plan that will recommend an organizational structure that is age and programmatically appropriate. Most importantly, the plan will completely separate juveniles from the adult correctional system, and offer youth developmentally appropriate rehabilitative services. The expected impact of this change is reduced recidivism.

#### **BACKGROUND**

The Work Group addressed the issues involved in the housing of youth whose cases are transferred to the adult courts system. Such youth are presently housed under the adult Department of Corrections at the Manson Youth and York Correctional Facilities. The workgroup wishes to set in motion plans aimed at ensuring that transferred youth in the future are housed in age appropriate youth facilities so that they have the greatest opportunity for a true second chance.



#### INCARCERATION WORK GROUP RECOMMENDATION 2

Submitted in accordance with the findings and recommendations in the Office of the Child Advocate Report,

"Incarcerated/Detained Youth-an Examination of Conditions of Confinement".

#### The JJPOC recommends that:

- A. The DOC and the Judicial Branch should implement the following best practices in juvenile detention centers and correctional facilities, where youth, 17 and under are housed::
  - 1. To address suicidal and self-harming behaviors of youth in confinement:
  - a) Conduct suicide screening on a routine basis for all confined youth. Any risk or instances of suicidal behavior should trigger a comprehensive case review with participation from clinical staff and facility operations.
  - b) Prohibit closed-door cell confinements for juveniles who present with imminent risk of suicide.
  - 2. To address the negative impacts of solitary confinement:
  - a) The JJPOC should conduct a review of the definitions of administrative segregation, solitary confinement, seclusion, and isolation utilized or recommended by organizations, associations and other entities involved with the issue of detained youth, including but not limited to the Department of Justice, the Council of Juvenile Correctional Administrators, the National Commission on Correctional Health Care, the American Correctional Association and the American Psychiatric Association, as well as best practice recommendations regarding the maximum number of hours and days for each definition.
  - b) Issue a report by October 2019 that summarizes the review and provide recommended definitions that include the maximum number of hours and days a youth may be held in administrative segregation, solitary confinement, seclusion and isolation.
  - 3. To address the harmful effects of using of chemical agents (pepper spray) and prone restraints:
  - a) Prohibit the use of chemical agents (pepper spray) on youth in juvenile detention and DOC facilities.
  - b) Limit the use of prone restraints on youth in juvenile detention and DOC facilities.



- c) Implement policies, in accordance with best practices, regarding the use of force and use of punitive and restrictive measures for youth, regardless of the correctional setting.
- 4. To address programming and services for youth in custody:
- a) Implement a process by which all behavior intervention plans for youth whose behavior interferes with the safety of others and limits youth's participation in rehabilitation activities are developed with the youth.
- b) Provide trauma-responsive rehabilitative, pro-social, and clinical programming embedded into youth's daily schedule adequately, 7-days per week.
- Are resourced to ensure provision of a 7-day per week intensive pro-social, rehabilitative and clinical programming.
- d) Provide developmentally healthy and appropriate activities and recreation for youth and family members during visitation to strengthen family bonds and minimize the trauma of separation.
- e) Permit contact visit with youth unless a timely and specific assessment determines that the provision of a contact visit creates a risk of imminent risk and harm to the youth or others.
- f) Implement strategies to support therapeutic family engagement as either part of a treatment model, where applicable, or part of a discharge planning process.
- g) DOC will comply with the Public Law 108-79- Rape Prison Elimination Act standards of staffing ratios in juvenile facilities.

#### POTENTIAL IMPACT

As reported in the Office of the Child Advocate report, "Incarcerated/Detained Youth-an Examination of Conditions of Confinement" according to the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention, suicide is the leading cause of death among youth in confinement. Many youth



who are in confinement possess risk factors for suicidality, trauma, mental health disorders, substance use disorders, childhood abuse or neglect, family/environmental factors, and lack coping skills. Due to the high risk nature of youth, staff should treat all youth as being at risk of suicidal ideations.

The practice of closed-door cell confinement further isolates juveniles and deters them from reporting on their suicidal ideations in the future with the fear of being put in isolation. By eliminating this practice and conducting continuous suicide screenings, youth can be kept safe and the numbers of suicides may decrease.

The use of isolation on individuals, especially minors is detrimental to their health and well-being. A task force appointment by the Attorney General in 2012 concluded: "Juveniles experience symptoms of paranoia, anxiety and depression even after very short period of isolation. Confined youth who spend extended periods isolated are among the most likely to attempt or actually commit suicide." As of this year the federal government passed the First Step Act, which eliminates the use of isolation for juveniles in federal custody. The use of isolation and restraints has been shown to escalate individuals and increase problematic behaviors. Instead of the use of isolation and prone restraints, facilities should be using behavioral modification plans to work with the juvenile on an individual basis to address the root of the behaviors. If the root of the behavior is addressed, positive behavioral changes can occur within confinement and ultimately continue in the community.

The Juvenile Justice Information Exchange indicates that as of 2018 there were only six (6) states that allowed juvenile correctional officers to carry pepper spray. Thirty-five (35) states have banned pepper spray in juvenile facilities. A fact sheet regarding the use of chemical agents on juveniles authored by the Center for Children's Law and Policy ("CCLP") in 2012 recommends a prohibition on the use of chemical agents on children due to potential health risks and the potential for misuse by staff. Connecticut law contains no statutory prohibition on the use of chemical agents on minors, even those with respiratory conditions.

#### **BACKGROUND**

The Office of the Child Advocate has conducted a point time study (July 1, 2016-June 30<sup>th</sup> 2017) on the conditions of confinement of youth in the states facilities, in response to Conn. Gen. Stat. 46a-13/(12). The report "Incarcerated/Detained Youth-An Examination of Conditions of Confinement" provides information regarding key issues affecting youth in state-run juvenile and adult correctional facilities. The Office of the Child Advocate has conducted a point time study (July 1, 2016-June 30<sup>th</sup> 2017) on the conditions of confinement of youth in the states facilities, in response to Conn. Gen. Stat. 46a-13/(12).

The JJPOC incarceration workgroup has reviewed the OCA report and is in support of several of the recommendations identified. The recommendations address the following areas:

- Suicidal behavior and suicide prevention,
- Use of force (restraint) and physical isolation (seclusion) of youth
- Availability and utilization of clinical and rehabilitative programming
- Access to educational programming for youth



- Access to family visits and family therapy /engagement
- Child abuse/neglect reporting and prevention
- Data collection, tracking, and reporting

#### INCARCERATON WORK GROUP RECOMMENDATION 3

Submitted in accordance with the findings and recommendations in the Office of the Child Advocate Report,

"Incarcerated/Detained Youth-an Examination of Conditions of Confinement" It is recommended that JJPOC propose legislation to enhance the protection of juveniles against potential abuse or neglect in custodial settings, as follows:

- A. Amend the mandated reporter statute as necessary to ensure that all staff who work with children in confinement, including contracted staff and ombudsmen/women be mandated reporters of suspected abuse and neglect.
- B. Require that all facilities for incarcerated youth maintain an independent ombudsman/woman to meet with the youth, tour the facility, and address concerns.

## INCARCERATION WORK GROUP RECOMMENDATION 4

Submitted in accordance with the findings and recommendations in the Office of the Child Advocate Report,

"Incarcerated/Detained Youth-an Examination of Conditions of Confinement" It is recommended that the DOC and Judicial Branch/CSSD create policy to enhance the protection of juveniles against potential abuse or neglect in custodial settings, as follows:

- A. Facilities will have clear process for reporting suspicious adult behavior, and an effective complaint system including definitions, administrative consultation protocols, investigations and criminal referral processes, parental notification requirements, administrative resolutions steps and immunity and retaliation considerations.
- B. To support a safe environment for children and staff and enhance quality assurance activities, require that all facilities for incarcerated youth/children have policies on the use of video cameras and the review of video footage and policies regarding the use of technology, electronic communication, social medial, and smart phones by staff.

#### **POTENTIAL IMPACT**

Connecticut state law mandates certain professions working with youth to report suspected abuse or neglect to the Department of Children and Families. This law is put into place to ensure the safety of our youth. It should be noted that the juvenile's detention officers, supervisory, management official and



professionals staff at detention facilities are mandated reporters. DOC correctional staff and facility administrators are not identified as mandated reports in state law. DOC follows an Administrative Directive on "reporting of incidents" and staff in the building who are mandated reporters are expected to generate a DCF report and contact the DCF Careline, in addition to a DOC incident report.

A safe environment must be created for youth in order to support them and help modify any problematic behavior. Unsafe environments can lead to trauma, which can lead to more antisocial behaviors and recidivism. Unsafe environments can also lead to violence from the youth being detained. Creating policies around reporting protects the youth as well as the staff from any accusations or violent acts.

#### **BACKGROUND**

The Office of the Child Advocate has conducted a point time study (July 1, 2016-June 30<sup>th</sup> 2017) on the conditions of confinement of youth in the states facilities, in response to Conn. Gen. Stat. 46a-13/(12). The report "Incarcerated/Detained Youth-An Examination of Conditions of Confinement" provides information regarding key issues affecting youth in state-run juvenile and adult correctional facilities. The Office of the Child Advocate has conducted a point time study (July 1, 2016-June 30<sup>th</sup> 2017) on the conditions of confinement of youth in the states facilities, in response to Conn. Gen. Stat. 46a-13/(12).

The JJPOC incarceration workgroup has reviewed the OCA report and is in support of several of the recommendations identified. The recommendations address the following areas:

- Suicidal behavior and suicide prevention,
- Use of force (restraint) and physical isolation (seclusion) of youth
- Availability and utilization of clinical and rehabilitative programming
- Access to educational programming for youth
- Access to family visits and family therapy /engagement
- Child abuse/neglect reporting and prevention
- Data collection, tracking, and reporting

#### INCARCERATION WORK GROUP RECOMMENDATION 5

Submitted in accordance with the findings and recommendations in the Office of the Child Advocate Report,

"Incarcerated/Detained Youth-an Examination of Conditions of Confinement". It is recommended that the DOC and Judicial Branch/CSSD provide all facility staff with trainings in evidence based practices in the following areas:

- A. Identifying risk factors for suicide among the juvenile population to ensure that vulnerable youth are identified, supported and monitored, including information regarding the risk to youth created by transitions.
- B. Creating a trauma-informed care environment
- C. Cultural responsiveness, Race discrimination, and Implicit bias



D. Sexual abuse prevention
E. Effective youth and family partnership and engagement strategies.

#### **POTENTIAL IMPACT**

In order to create a safe, developmentally appropriate setting for youth, staff must be trained properly to have the knowledge and feel comfortable in their skill set. Youth in confinement are a vulnerable population that must be treated differently. Staff should be given specific ongoing trainings, so they can maintain the integrity of the facility and provide youth the appropriate services they need. Trainings will then hold agencies accountable for providing safe environments.

#### **BACKGROUND**

The Office of the Child Advocate has conducted a point time study (July 1, 2016-June 30<sup>th</sup> 2017) on the conditions of confinement of youth in the states facilities, in response to Conn. Gen. Stat. 46a-13/(12). The report "Incarcerated/Detained Youth-An Examination of Conditions of Confinement" provides information regarding key issues affecting youth in state-run juvenile and adult correctional facilities. The Office of the Child Advocate has conducted a point time study (July 1, 2016-June 30<sup>th</sup> 2017) on the conditions of confinement of youth in the states facilities, in response to Conn. Gen. Stat. 46a-13/(12).

The JJPOC incarceration workgroup has reviewed the OCA report and is in support of several of the recommendations identified. The recommendations address the following areas:

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- Availability and utilization of clinical and rehabilitative programming
- Access to educational programming for youth
- Access to family visits and family therapy /engagement
- Child abuse/neglect reporting and prevention
- Data collection, tracking, and reporting



#### IV. 2019 RECOMMENDATIONS FROM THE CROSS AGENCY DATA SHARING WORK GROUP

#### 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.

#### CROSS AGENCY DATA SHARING WORKGROUP RECOMMENDATION 1

#### It is recommended that:

- A. The DOC and the Judicial Branch/CSSD collaborate with the JJPOC Cross Agency Data Sharing workgroup to develop a standardized policy, practice, and implementation of a data collection and tracking system for:
  - Suicidal and self-harming behavior of youth in confinement.
  - Use of force and physical isolation on children.
  - Education, mental health and other as determined by the Cross Agency Data Sharing workgroup
- B. That DOC and Judicial Branch/CSSD will submit an annual report to the JJPOC on:
  - Suicidal and self-harming behavior of youth in confinement.
  - Use of force and physical isolation on children.
  - Education, mental health and other as determined by the Cross Agency Data Sharing workgroup

#### **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.

#### **BACKGROUND**

The Office of the Child Advocate has conducted a point time study (July 1, 2016-June 30<sup>th</sup> 2017) on the conditions of confinement of youth in the states facilities, in response to Conn. Gen. Stat. 46a-13/(12). The report "Incarcerated/Detained Youth-An Examination of Conditions of Confinement" provides information regarding key issues affecting youth in state-run juvenile and adult correctional facilities. The Office of the



Child Advocate has conducted a point time study (July 1, 2016-June 30<sup>th</sup> 2017) on the conditions of confinement of youth in the states facilities, in response to Conn. Gen. Stat. 46a-13/(12).

The JJPOC incarceration workgroup has reviewed the OCA report and is in support of several of the recommendations identified. The recommendations address the following areas:

- Suicidal behavior and suicide prevention,
- Use of force (restraint) and physical isolation (seclusion) of youth
- Availability and utilization of clinical and rehabilitative programming
- Access to educational programming for youth
- · Access to family visits and family therapy /engagement
- Child abuse/neglect reporting and prevention
- · Data collection, tracking, and reporting



#### V. 2019 RECOMMENDATIONS IN DETAIL FROM THE DIVERSION WORK GROUP

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 RECOMMENDATION 1

#### It is recommended that:

- A. Removal of the following remaining categories of Family With Service Needs (FWSN) referrals to Juvenile Court jurisdiction occur according to the following timeline:
  - a) Effective July 1, 2019: Has engaged in Indecent and Immoral Conduct: is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child or youth.
  - b) Effective January 1, 2020: Runaway without just cause.
  - c) Effective July 1, 2020: *Beyond Control* of his or her parents or guardians.

#### POTENTIAL IMPACT

This recommendation amends the effective date for removing Juvenile Court jurisdiction over the remaining categories of status offenders. The changes will occur incrementally over the next fiscal year and all status offences will be removed by July 1, 2020. This change should help the community service system to be better prepared to provide assistance to this population. Moreover, this removal of court involvement with status offenses is consistent with research findings that even limited contact with the justice system may increase the risk of further negative behavior on the part of youth.

#### **BACKGROUND**

In 2016, P.A. 16-147, "An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee" eliminated truancy and defiance of school rules as status offenses in order to divert youth from the juvenile justice system, effective August 2017. In 2017, 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 Implementing Provisions of the Budget", legislation mandated that effective July 1, 2019, children identified as Families with Service Needs (FWSN) will no longer be referred to the courts.



### DIVERSION RECOMMENDATION 2

#### It is recommended that:

The legislature establish line items within the general fund to provide recurring funding for:

- A. The implementation of the Community-Based Diversion System beginning July 1, 2019, codified under 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
- B. The implementation of the School-Based Diversion Framework over a two-year period beginning July 1, 2020, codified under 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"
- C. The operation of the State's Juvenile Review Board System beginning July 1, 2019. Priority for funding will be given to Juvenile Review Boards in communities with the highest per capita rates of juvenile arrest, and who have also demonstrated implementation of the Juvenile Review Board Protocols and Procedures Guidelines.

#### POTENTIAL IMPACT

The FWSN reforms call for a new way to address the needs of the youth in the community. 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. We know from research that involvement with the justice system will increase the risk and likelihood of repeat offending. 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 will have far-reaching benefits for the youth, their family and caregivers, schools and community.

#### **BACKGROUND**

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.

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.

Funding the implementation of both the School-based and Community-based Diversion Plans which both were codified under 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. Although both plans were codified in 2018, no additional funding was provided.



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

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.

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. As of the fall of 2018, the state's juvenile justice system has 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.

The four JJPOC Work Groups – Diversion, Incarceration, Recidivism, and Cross Agency Data Sharing – have been successful each year, since 2015, in putting forward recommendations that are in accordance with best practices to improve the state's juvenile justice system.

#### Public Act No. 15-183 - AN ACT CONCERNING THE JUVENILE JUSTICE SYSTEM included:

- Stringently inventorying and reporting of evidence-based programs used by all juvenile justice-related agencies.
- Establishing a Children's Mental, Emotional, and Behavioral Health Plan Implementation Advisory Board.
- Clarifying requirements for risk and needs assessments by DCF for high-risk youth, including specifications that such procedures apply to girls in custody.
- Aligning Connecticut laws on parole and lengthy sentences of minors with US Supreme Court ruling in Miller v.
   Alabama, including retroactively eliminating sentences of life without parole and shortening time to parole.
- Prohibiting out-of-school suspensions and expulsions of children in pre-K through 2nd grade.
- Including behavioral health and disciplinary issues in school health screenings.
- Extending restrictions on use of restraint and seclusion in public schools to all students, not just those in special education programs.



- Requiring memorandum of understanding between school districts that employ school resource officers with
  local police departments specifying the role of officers in schools, clarifying the definition of school-based arrest,
  and requiring collection and disaggregation of data on suspensions, expulsions, and arrests.
- Changing a number of juvenile proceedings, including transfers to adult court, raising the minimum age for certain transfers to 15, and data tracking by the Judicial Branch.
- Requiring all juvenile facilities to comply with recommendations of the National Prison Rape Elimination Commission.

### P.A. 16-147 - AN ACT CONCERNING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE included:

- Implementation of the Community Based Diversion System System in which the Youth Services Bureaus are identified as the primary agent for diversion of children from the juvenile justice system.
- Creation of a guide of truancy intervention models by the Connecticut State Department of Education (SDE) by August 2017 and effective August 15, 2018, schools determined by SDE as having a high rate of truancy will be required to implement a truancy intervention program.
- Other legislative and policy changes directly related to the role of behavioral health services within schools.
- Limiting the grounds for detention to public safety, assure court appearance, and hold for another jurisdiction.
- Closing the Connecticut Juvenile Training School (CJTS) and Pueblo Unit for girls as expeditiously as possible,
   no later than July 2018, in accordance with a plan jointly developed by DCF.
- Eliminating truancy and defiance of school rules as status offenses in order to divert youth from the juvenile justice system by July 2017.
- Adopting a nationally recognized recidivism reduction framework.
- Establishing a permanent JJPOC data work group to link data maintained by Executive Branch agencies and the Judicial Branch.
- Developing a school-based diversion plan to address mental health service needs to reduce arrest and other school disciplinary actions.
- Developing a comprehensive plan for reentry services for youth who have been placed in confinement, before and after release.
- Training for police in the use of restorative justice practices, trauma-informed approaches and other youth related areas.

## In 2017, June Special Session 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 IMPLEMENTING 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.

# In 2018, 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.
  - O 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.



#### VII. 2018 JJPOC WORK GROUP MEMBERSHIP

#### **Diversion Work Group Membership**

Co-chairs: Erica Bromley and John Frassinelli

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#### **Recidivism Reduction Work Group Membership**

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#### **Cross Agency Data Sharing Workgroup Membership**

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