



House of Representatives

General Assembly

File No. 580

January Session, 2003

Substitute House Bill No. 6686

House of Representatives, April 29, 2003

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE REDUCTION OF DISPROPORTIONATE MINORITY REPRESENTATION IN THE JUVENILE JUSTICE SYSTEM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) As used in this
2 section, "cultural competency plan" means a plan that (1) identifies
3 target racial and ethnic minority groups, (2) assesses cultural, linguistic
4 and social factors creating barriers between such target groups and
5 their receipt of state services or participation in state programs, and (3)
6 implements measures designed to reduce the impact of such barriers.

7 (b) The Judicial Department shall develop a cultural competency
8 plan for each of its courts, divisions and offices in the juvenile justice
9 system. Such plan shall include, but not be limited to, provisions to
10 address any barriers to family involvement in alternative incarceration
11 programs identified pursuant to subdivision (4) of subsection (a) of
12 section 3 of this act. The Chief Court Administrator shall appoint a
13 cultural competency coordinator to oversee the implementation of and

14 progress made pursuant to such plan.

15 (c) The Chief Court Administrator shall:

16 (1) Establish guidelines to ensure that staff in key positions in state-
17 administered or contracted juvenile justice programs, facilities and
18 services (A) are culturally competent and possess the skills necessary
19 to provide services to a diverse client population, and (B) may have
20 bilingual abilities;

21 (2) Provide on-going training to all such staff in cultural sensitivity,
22 cultural competency and understanding the dynamics of
23 disproportionate minority representation in the juvenile justice system;
24 and

25 (3) Conduct a biannual inventory of juvenile justice caseloads and
26 clients to determine cultural and language profiles.

27 Sec. 2. (NEW) (*Effective October 1, 2003*) (a) The Judicial Department
28 and the Department of Children and Families shall jointly establish
29 and implement a community mapping system that shall track, on an
30 annual basis and by race, ethnicity, neighborhood and type of crime,
31 the occurrences of arrests, detentions and placements of children who
32 come into contact with the juvenile justice system. Such community
33 mapping system shall (1) determine the geographic relationship
34 between the arrest of a child and the quality of and access to services in
35 the juvenile justice system, and (2) be implemented in accordance with
36 nationally accepted practices that may include, but need not be limited
37 to, practices promulgated by the Haywood Burns Institute.

38 (b) The Judicial Department and the Department of Children and
39 Families shall jointly develop and monitor the implementation of
40 objective criteria for decisions made at each stage in the juvenile justice
41 system, including, but not limited to, detention, release and placement
42 decisions. Any assessment or decision-making instruments used to
43 determine whether a child should be released or detained, or to
44 determine if and where a child should be placed, shall be free of

45 criteria that may create an unintended racial and ethnic bias.

46 Sec. 3. (NEW) (*Effective October 1, 2003*) (a) The Judicial Department
47 and the Department of Children and Families shall:

48 (1) Jointly develop programs of alternatives to incarceration for
49 children that (A) provide crisis response, intensive family support and
50 respite services, (B) directly involve the child's family, (C) focus on the
51 strengths and positive qualities of the child, and (D) replicate existing
52 programs for which evidence of successful outcomes can be shown;

53 (2) Ensure that minority children involved, or at risk of
54 involvement, with the juvenile justice system have equal access to such
55 programs at each stage of the juvenile justice system;

56 (3) Jointly develop a system to track, by race and ethnicity, the
57 utilization of such programs;

58 (4) Jointly conduct an appropriate survey to determine whether any
59 barriers exist to family involvement in such programs; and

60 (5) Encourage family conferencing and parental involvement at each
61 stage of the juvenile justice system and incorporate such conferencing
62 and involvement into treatment programs for children.

63 (b) The evaluation of Connecticut Community KidCare conducted
64 pursuant to subsection (c) of section 17a-22c of the general statutes
65 shall include a review of the programs developed pursuant to
66 subsection (a) of this section for a determination of the cultural
67 competency of such programs and whether such programs are
68 effective in reducing disproportionate minority representation in the
69 juvenile justice system.

70 Sec. 4. (NEW) (*Effective October 1, 2003*) The Judicial Department
71 shall develop a continuum of court-approved administrative sanctions
72 for youths under the supervision of a juvenile probation officer,
73 including, but not limited to, community service, mentoring, respite
74 home, truancy reduction and mediation programs. Such sanctions

75 shall be imposed by the probation officer prior to seeking an arrest
76 warrant, notice to appear or other court order with respect to a
77 violation by the youth of any of the conditions of probation or
78 suspended commitment or of any valid court order that regulates the
79 future conduct of such youth.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Judicial Dept.	GF - Cost	At Least 263,000	At least 341,000
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	8,000	22,000
Children & Families, Dept.	GF - Cost	At Least 25,000 - 50,000	At Least 25,000 - 50,000
Total State Impact	GF - Cost	At Least 296,000	At least 388,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill would result in a significant cost to implement various changes to the juvenile justice system. Funding for these costs has not been included in HB 6548 (the Appropriations Act for the 2004-2005 biennium, as recommended by the governor.)

Section 1

The Judicial Department would need to hire an additional staff member to serve as the cultural competency coordinator, develop a cultural competency plan and oversee its implementation. The annualized cost of this position is about \$80,000, including fringe benefits and related expenses.¹

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The total fringe benefit

The provision of training to a few hundred individuals on an on-going basis (presumably once every two years) would cost approximately \$60,000 every other year.² The twice annual, mandated inventory could be accomplished within anticipated budgetary resources.

Section 2

The community mapping requirement would result in a state cost of at least \$100,000 - \$200,000 annually (depending on its scope) to hire a consultant.

Section 3

It is anticipated that the Judicial Department's Multi-Systemic Therapy project for Juvenile Matters would meet this section's requirement for the joint development of alternatives to incarceration. The project will be supported by a \$300,000 annual allocation of federal funds (Byrne grant) through state FY 07 to provide 11 slots serving approximately 45 youth and their families. The Judicial Department expects to collaborate with Department of Children and Families (DCF) on the implementation of this program. To the extent that this program does not fully comply with the bill's mandate, additional programming would be required at significant state cost.

DCF would also be required to expand the scope of its evaluation of the Connecticut Community Kidcare program to include a review of these services. A minimum cost of \$25,000 - \$50,000 will result, rising correspondingly as the scope of the evaluated programs expands. It should be noted that the Kidcare evaluation is to be accomplished within available appropriations, per Section 17a-22c CGS. However,

reimbursement rate as a percentage of payroll is 40.21%, effective July 1, 2002. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 18.81% in FY 04. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

no additional funding has been included within HB 6548 for this purpose. Unless future appropriations are specifically made for the enhanced evaluation, this will likely result in one of four outcomes: (1) DCF will proceed with the enhanced evaluation, and will require a deficiency appropriation; (2) DCF will delay the implementation of the enhanced evaluation pending the approval of additional appropriations to meet this mandate in future fiscal years; (3) DCF will shift moneys from other departmental priorities, thereby impacting existing services; or (4) DCF will not implement the evaluation component.

Section 4

This section would require the Judicial Department to establish a respite home program for youths under the supervision of a juvenile probation officer. The scope of the necessary program is unclear. However, it is anticipated that any new, substantive program would cost in excess of \$100,000 annually to implement. With the exception of this specific program, the Judicial Department currently has graduated sanctions in place that would meet the section's requirements.

² Assuming 400 participants (includes judges, detention and probation officers / supervisors, and private provider staff) * \$150 (average cost for instructor-led training.)

OLR Bill Analysis

sHB 6686

AN ACT CONCERNING THE REDUCTION OF DISPROPORTIONATE MINORITY REPRESENTATION IN THE JUVENILE JUSTICE SYSTEM

SUMMARY:

This bill requires the Judicial Department to:

1. establish, jointly with the Department of Children and Families (DCF), a community mapping system to track children who come into contact with the juvenile justice system and objective criteria for juvenile justice decisions;
2. develop a cultural competency plan for each of its courts, divisions, and juvenile justice system offices;
3. develop, with DCF, alternatives to incarceration for children and track participation by race and ethnicity; and
4. develop a continuum of court-approved administrative sanctions for 16- and 17-year olds under juvenile probation officers' supervision.

EFFECTIVE DATE: October 1, 2003

COMMUNITY MAPPING

Under the bill, the community mapping system must be implemented in accordance with nationally accepted practices and may use practices promulgated by the W. Haywood Burns Institute. It must track, on an annual basis, children coming into contact with the juvenile justice system by (1) race, (2) ethnicity, (3) neighborhood and type of crime, (4) arrests, (5) detentions, and (6) placements. The mapping system must determine the geographic relationship between the arrest of a child and the quality of, and access to, services in the juvenile justice system.

OBJECTIVE DECISION-MAKING CRITERIA

The bill requires the Judicial Department and DCF to develop and monitor the implementation of objective criteria for decision-making at each point in the juvenile justice system, including detention, release, and placement. Assessments or decision-making instruments used to make detention, release, or placement decisions must be free of criteria that might create an unintended racial and ethnic bias.

CULTURAL COMPETENCY PLAN

Plan Requirements

Under the bill, the cultural competency plan must:

1. identify target racial and ethnic minority groups;
2. assess cultural, linguistic, and social factors that serve as barriers to target groups' receipt of state services or state program participation; and
3. implement measures to reduce the impact of these barriers.

Chief Court Administrator's Responsibilities

The chief court administrator must appoint a coordinator to oversee the plan's implementation and progress. He must also establish guidelines to ensure that staff in key positions in juvenile justice programs, facilities, and services the state runs or contracts for are culturally competent and have skills needed to serve diverse client populations. They may also be bilingual.

He must provide ongoing training for all juvenile justice staff in cultural sensitivity, cultural competency, and understanding the dynamics of disproportionate minority representation in the juvenile justice system. And he must take an inventory of juvenile justice caseloads and clients twice a year to determine cultural and language profiles.

ALTERNATIVES TO INCARCERATION PROGRAMS

The bill requires the Judicial Department and DCF to jointly develop programs for children as alternatives to incarceration. The programs must:

1. provide crisis response, intensive family support, and respite services;
2. directly involve the child's family;
3. focus on the child's strengths and positive qualities;
4. replicate existing programs that have been shown to be successful;
5. give equal access to minority children involved with the juvenile justice system, and those at risk of becoming involved;
6. develop a system to track program users by race and ethnicity;
7. conduct appropriate surveys for determining whether barriers exist to family involvement; and
8. encourage family conferencing and parental involvement at each stage of the juvenile justice system and incorporate them into children's treatment programs.

By law, the Connecticut Community KidCare program (the state children's behavioral health program) is subject to a five-year longitudinal evaluation by DCF and the Department of Social Services. The bill requires this evaluation to also include a review of the new alternative incarceration programs to determine their cultural competency and whether they are effective in reducing minority representation in the juvenile justice system.

COURT-APPROVED ADMINISTRATIVE SANCTIONS

The bill requires the Judicial Department to develop a continuum of administrative sanctions for 16- and 17-year olds who are under the supervision of juvenile probation officers. The sanctions must include community service; mentoring; and respite home, truancy reduction, and mediation programs. Probation officers must impose these sanctions before seeking any order to bring the youth back to court for violating probation, the terms of a suspended commitment, or other court order regulating his conduct.

BACKGROUND

W. Haywood Burns Institute

The Burns Institute works with local communities to reduce the disproportionality of minority representation in their juvenile justice systems by focusing on three areas it believes are most responsible for this: arrest, detention, and sentencing decisions.

Its model has three phases. The first involves working with police to study initial police contacts with youth and assisting in the development of community mapping programs. The mapping is designed to highlight the strengths and weaknesses of the communities where most children are arrested.

The second phase centers on probation officers' decisions to detain children. It requires the development of an objective risk assessment instrument to determine which offenders should be detained and which should not. The third phase analyzes judges' and prosecutors' sentencing decisions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 38 Nay 2