



General Assembly

Amendment

January Session, 2005

LCO No. 7320

SB0090007320SD0

Offered by:

SEN. MEYER, 12th Dist.

SEN. HARP, 10th Dist.

SEN. WILLIAMS, 29th Dist.

To: Senate Bill No. 900

File No. 445

Cal. No. 347

"AN ACT CONCERNING JUVENILE REVIEW BOARDS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2005*) (a) There is established
4 within the Judicial Department a Diversion First pilot program to
5 divert juveniles who are first time offenders or who have been charged
6 with minor offenses from the court system. The Judicial Department
7 shall operate the program in an urban, suburban and rural
8 municipality. Referral to the program shall be considered by local
9 police authorities before referral is made to juvenile court. The pilot
10 program shall be developed by the Judicial Department, in
11 consultation with an advisory committee of the youth service bureau
12 directors and the office of the Chief Public Defender. When developing
13 the pilot program, consideration shall be given to incorporating
14 recommended policies and procedures from the Connecticut Juvenile

15 Justice Advisory Committees' Report on Children, Youth and Police.

16 (b) Existing community services shall be utilized for juveniles and
17 their families who have been referred to the program. The department,
18 in conjunction with the three municipalities in which the pilot program
19 is operated pursuant to subsection (a) of this section, and any youth
20 service bureaus servicing such municipalities pursuant to section 10-
21 19m of the general statutes, shall identify all available community
22 services and any gaps in such services for juveniles and their families
23 who are referred to the program. After identification of such services
24 and gaps in such services, the municipalities shall create and fund
25 those services necessary to implement the pilot program.

26 (c) The department shall design the program to: (1) Provide access
27 through a single point of entry, (2) include a centralized decision-
28 making process regarding eligibility, service referrals, service
29 coordination and tracking, (3) include referrals to a network of
30 community-based agencies that provide such services as anger
31 management, family counseling, substance abuse education,
32 assessment and treatment for substance abuse, specialized services for
33 domestic violence, community service opportunities and collaboration
34 with local school systems for tutoring, special education services and
35 truancy prevention. The program shall also provide opportunities for
36 victim input in a restorative justice model and for measurable
37 outcomes, as described in subsection (g) of this section.

38 (d) Under the pilot program, juvenile court referral and the use of
39 judicial sanctions shall be utilized only as an intervention of last resort.
40 A case of a first time juvenile offender or a nonserious juvenile
41 offender may be disposed by the issuance of a verbal warning and
42 release, conference with the juvenile and the juvenile's parents or
43 teachers, referral to the pilot program or referral to the juvenile court,
44 except that referral to the juvenile court shall be an intervention of last
45 resort. Local police authorities from each of the three municipalities in
46 which the pilot program is operated shall maintain data on the number
47 of referrals they make to the pilot program and the number of referrals

48 they make to the juvenile court system. Such data shall include the age,
49 gender, race and ethnicity of referred juveniles. Such data shall be
50 reported quarterly to the Commission on Racial and Ethnic Disparity
51 established pursuant to section 51-10c of the general statutes.

52 (e) Law enforcement officials, community-based service providers,
53 educational and vocational resource providers, the Judicial Branch, the
54 Department of Children and Families, the Division of Criminal Justice,
55 referred juveniles and their families may collaborate and share
56 information, subject to confidentiality laws regarding juvenile matters,
57 to implement the provisions of sections 1 to 3, inclusive, of this act.

58 (f) If a juvenile or the juvenile's family fails to comply with the
59 requirements of the pilot program, such failure to comply shall be
60 documented, in writing, and the juvenile's case shall be referred to the
61 juvenile court.

62 (g) To evaluate the effectiveness of the pilot program and to assess
63 the need for additional protocols and interventions, the Judicial
64 Department shall establish measurable outcomes, which shall include,
65 but not be limited to, data collected by local police authorities pursuant
66 to subsection (d) of this section. The outcomes shall be reported to the
67 Commission on Racial and Ethnic Disparity, which shall review such
68 outcomes on a quarterly basis and develop a uniform record keeping
69 tool for the program. The Judicial Department and the commission
70 shall semiannually submit a report on the status of the pilot program,
71 in accordance with section 11-4a of the general statutes, to the General
72 Assembly.

73 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) All cases that have been
74 referred to the pilot program shall be processed through a single point
75 of entry pursuant to subsection (c) of section 1 of this act. Upon
76 determination that there is probable cause to arrest a juvenile for an
77 offense, other than a serious juvenile offense, as defined in subdivision
78 (12) of section 46b-120 of the general statutes, the arresting officer shall
79 refer the case to the program coordinator or the designated contact

80 person. The program coordinator or contact person shall review the
81 case for eligibility in the program. The review shall include: (1) The
82 nature of the alleged offense, (2) the age of the juvenile, (3) the
83 juvenile's past police involvement, if any, (4) the juvenile's gang
84 affiliation, if any, (5) the attitude of the juvenile and the juvenile's
85 parents or guardians regarding referral for treatment or rehabilitation,
86 (6) the juvenile's family, school and community status, (7) the
87 availability of community-based programs to benefit the juvenile and
88 the juvenile's family, (8) the likelihood that an alternative referral will
89 prevent further delinquent behavior by the juvenile, (9) victim impact,
90 (10) recommendations of other agencies or professionals providing
91 services to the juvenile, if any, and (11) public safety.

92 (b) Prior to referring a juvenile to the pilot program, local police
93 authorities shall verify that: (1) The juvenile has committed a crime, (2)
94 the juvenile has acknowledged responsibility for his or her behavior,
95 (3) the behavior is likely to require juvenile court referral, (4) the
96 juvenile and the juvenile's parents or guardians have agreed, in
97 writing, to comply with program requirements, and (5) the juvenile
98 and the juvenile's parents or guardians have been notified, in writing,
99 of the consequences for noncompliance with such requirements,
100 including, but not limited to, juvenile court referral.

101 (c) Participation in the pilot program is voluntary. Refusal to
102 participate shall result in the case being referred to the juvenile court
103 for processing and shall not disqualify the juvenile for nonjudicial case
104 disposition.

105 (d) A referred juvenile and the juvenile's parents or guardians shall
106 agree, in writing, to the tolling of the statute of limitations during the
107 period of program participation. Such consent shall specify the
108 consequences for discharge from the program.

109 (e) Any statement made by a juvenile or the juvenile's parents or
110 guardians in connection with the juvenile's participation in the
111 program shall not be admissible against the juvenile in any court

112 proceeding.

113 (f) All records pertaining to participation by a juvenile in the pilot
114 program shall be maintained separately from adult arrest records and
115 shall be confidential pursuant to section 46b-124 of the general statutes,
116 as amended by this act. Records pertaining to the juvenile's
117 participation in the pilot program shall not be disclosed to the juvenile
118 court without the consent of the juvenile, the juvenile's parents or
119 guardians and counsel for the juvenile.

120 (g) If a juvenile fails to successfully complete the pilot program or is
121 arrested for a new offense, a local police authority may refer the case to
122 the juvenile court.

123 (h) When failure to successfully complete the pilot program results
124 in a referral to the juvenile court, such referral shall be initially
125 presented to the juvenile court as a formal judicial proceeding. After
126 presentment, the juvenile shall have access to all appropriate
127 dispositional alternatives, as provided by law or court rule, including,
128 but not limited to, nonjudicial disposition.

129 (i) Upon successful completion of the pilot program, all charges
130 against the juvenile shall be expunged. Records pertaining to the
131 juvenile's participation in the program shall not be available for public
132 disclosure and shall be immediately erased.

133 Sec. 3. Subsection (d) of section 46b-124 of the general statutes is
134 repealed and the following is substituted in lieu thereof (*Effective*
135 *October 1, 2005*):

136 (d) Records of cases of juvenile matters involving delinquency
137 proceedings shall be available to (1) judicial branch employees who, in
138 the performance of their duties, require access to such records, and (2)
139 employees and authorized agents of state or federal agencies involved
140 in (A) the delinquency proceedings, (B) the provision of services
141 directly to the child, or (C) the design and delivery of treatment
142 programs pursuant to section 46b-121j. Such employees and

143 authorized agents include, but are not limited to, law enforcement
144 officials, state and federal prosecutorial officials, school officials in
145 accordance with section 10-233h, court officials including officials of
146 both the regular criminal docket and the docket for juvenile matters,
147 officials of the Division of Criminal Justice, the Division of Public
148 Defender Services, the Department of Children and Families, the Court
149 Support Services Division, the Board of Pardons and Paroles and
150 agencies under contract with the judicial branch, and an advocate
151 appointed pursuant to section 54-221 for a victim of a crime committed
152 by the child. Such records shall also be available to (i) the attorney
153 representing the child, including the Division of Public Defender
154 Services, in any proceeding in which such records are relevant, (ii) the
155 parents or guardian of the child, until such time as the subject of the
156 record reaches the age of majority, (iii) the subject of the record, upon
157 submission of satisfactory proof of the subject's identity, pursuant to
158 guidelines prescribed by the Office of the Chief Court Administrator,
159 provided the subject has reached the age of majority, (iv) law
160 enforcement officials and prosecutorial officials conducting legitimate
161 criminal investigations, and (v) a state or federal agency providing
162 services related to the collection of moneys due or funding to support
163 the service needs of eligible juveniles, provided such disclosure shall
164 be limited to that information necessary for the collection of and
165 application for such moneys. Records disclosed pursuant to this
166 subsection shall not be further disclosed, except that information
167 contained in such records may be disclosed in connection with bail or
168 sentencing reports in open court during criminal proceedings
169 involving the subject of such information. Records pertaining to
170 participation by a juvenile in the pilot program established pursuant to
171 section 1 of this act shall be available to: (1) Service providers utilized
172 by the pilot program to deliver direct services to the juvenile, and (2)
173 service providers or counseling professionals providing service to the
174 juvenile in connection with the pilot program.

175 Sec. 4. (*Effective July 1, 2005*) The sum of two hundred twenty-five
176 thousand dollars is appropriated to the Judicial Department, from the

177 General Fund, for the fiscal year ending June 30, 2006, to implement
178 the pilot program established in section 1 of this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	46b-124(d)
Sec. 4	<i>July 1, 2005</i>	New section