



# House of Representatives

**File No. 910**

General Assembly

January Session, 2015

**(Reprint of File No. 747)**

Substitute House Bill No. 7050  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 28, 2015

## ***AN ACT CONCERNING THE JUVENILE JUSTICE SYSTEM.***

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

1 Section 1. Subsections (a) and (b) of section 46b-127 of the general  
2 statutes are repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2015*):

4 (a) (1) The court shall automatically transfer from the docket for  
5 juvenile matters to the regular criminal docket of the Superior Court  
6 the case of any child charged with the commission of a capital felony  
7 under the provisions of section 53a-54b in effect prior to April 25, 2012,  
8 a class A felony, or a class B felony, except as provided in subdivision  
9 (3) of this subsection, or a violation of section 53a-54d, provided such  
10 offense was committed after such child attained the age of [fourteen]  
11 fifteen years and counsel has been appointed for such child if such  
12 child is indigent. Such counsel may appear with the child but shall not  
13 be permitted to make any argument or file any motion in opposition to  
14 the transfer. The child shall be arraigned in the regular criminal docket  
15 of the Superior Court at the next court date following such transfer,

16 provided any proceedings held prior to the finalization of such transfer  
17 shall be private and shall be conducted in such parts of the courthouse  
18 or the building in which the court is located that are separate and apart  
19 from the other parts of the court which are then being used for  
20 proceedings pertaining to adults charged with crimes.

21 (2) A state's attorney may, at any time after such arraignment, file a  
22 motion to transfer the case of any child charged with the commission  
23 of a class B felony or a violation of subdivision (2) of subsection (a) of  
24 section 53a-70 to the docket for juvenile matters for proceedings in  
25 accordance with the provisions of this chapter.

26 (3) No case of any child charged with the commission of a violation  
27 of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of  
28 subsection (a) of section 53a-101, 53a-112, 53a-122 or 53a-129b,  
29 subdivision (1), (3) or (4) of subsection (a) of section 53a-134, section  
30 53a-196c, 53a-196d or 53a-252 or subsection (a) of section 53a-301 shall  
31 be transferred from the docket for juvenile matters to the regular  
32 criminal docket of the Superior Court, except as provided in this  
33 subdivision. Upon motion of a prosecutorial official, the superior court  
34 for juvenile matters shall conduct a hearing to determine whether the  
35 case of any child charged with the commission of any such offense  
36 shall be transferred from the docket for juvenile matters to the regular  
37 criminal docket of the Superior Court. The court shall not order that  
38 the case be transferred under this subdivision unless the court finds  
39 that (A) such offense was committed after such child attained the age  
40 of fifteen years, (B) there is probable cause to believe the child has  
41 committed the act for which the child is charged, and (C) the best  
42 interests of the child and the public will not be served by maintaining  
43 the case in the superior court for juvenile matters. In making such  
44 findings, the court shall consider (i) any prior criminal or juvenile  
45 offenses committed by the child, (ii) the seriousness of such offenses,  
46 (iii) any evidence that the child has intellectual disability or mental  
47 illness, and (iv) the availability of services in the docket for juvenile  
48 matters that can serve the child's needs. Any motion under this  
49 subdivision shall be made, and any hearing under this subdivision

50 shall be held, not later than thirty days after the child is arraigned in  
51 the superior court for juvenile matters.

52 (b) (1) Upon motion of a prosecutorial official, the superior court for  
53 juvenile matters shall conduct a hearing to determine whether the case  
54 of any child charged with the commission of a class C, D or E felony or  
55 an unclassified felony shall be transferred from the docket for juvenile  
56 matters to the regular criminal docket of the Superior Court. The court  
57 shall not order that the case be transferred under this subdivision  
58 unless the court finds that (A) such offense was committed after such  
59 child attained the age of [fourteen] fifteen years, (B) there is probable  
60 cause to believe the child has committed the act for which the child is  
61 charged, and (C) the best interests of the child and the public will not  
62 be served by maintaining the case in the superior court for juvenile  
63 matters. In making such findings, the court shall consider (i) any prior  
64 criminal or juvenile offenses committed by the child, (ii) the  
65 seriousness of such offenses, (iii) any evidence that the child has  
66 intellectual disability or mental illness, and (iv) the availability of  
67 services in the docket for juvenile matters that can serve the child's  
68 needs. Any motion under this subdivision shall be made, and any  
69 hearing under this subdivision shall be held, not later than thirty days  
70 after the child is arraigned in the superior court for juvenile matters.

71 (2) If a case is transferred to the regular criminal docket pursuant to  
72 subdivision (1) of this subsection or subdivision (3) of subsection (a) of  
73 this section, the court sitting for the regular criminal docket may return  
74 the case to the docket for juvenile matters at any time prior to a jury  
75 rendering a verdict or the entry of a guilty plea for good cause shown  
76 for proceedings in accordance with the provisions of this chapter.

77 Sec. 2. Section 46b-121n of the general statutes is repealed and the  
78 following is substituted in lieu thereof (*Effective October 1, 2015*):

79 (a) There is established a Juvenile Justice Policy and Oversight  
80 Committee. The committee shall evaluate policies related to the  
81 juvenile justice system and the expansion of juvenile jurisdiction to

82 include persons sixteen and seventeen years of age.

83 (b) The committee shall consist of the following members:

84 (1) Two members of the General Assembly, one of whom shall be  
85 appointed by the speaker of the House of Representatives, and one of  
86 whom shall be appointed by the president pro tempore of the Senate;

87 (2) The chairpersons and ranking members of the joint standing  
88 committees of the General Assembly having cognizance of matters  
89 relating to the judiciary, children, human services and appropriations,  
90 or their designees;

91 (3) The Chief Court Administrator, or the Chief Court  
92 Administrator's designee;

93 (4) A judge of the superior court for juvenile matters, appointed by  
94 the Chief Justice;

95 (5) The executive director of the Court Support Services Division of  
96 the Judicial Department, or the executive director's designee;

97 (6) The executive director of the Superior Court Operations  
98 Division, or the executive director's designee;

99 (7) The Chief Public Defender, or the Chief Public Defender's  
100 designee;

101 (8) The Chief State's Attorney, or the Chief State's Attorney's  
102 designee;

103 (9) The Commissioner of Children and Families, or the  
104 commissioner's designee;

105 (10) The Commissioner of Correction, or the commissioner's  
106 designee;

107 (11) The Commissioner of Education, or the commissioner's  
108 designee;

109 (12) The Commissioner of Mental Health and Addiction Services, or  
110 the commissioner's designee;

111 (13) The Labor Commissioner, or the commissioner's designee;

112 (14) The Commissioner of Social Services, or the commissioner's  
113 designee;

114 (15) The Commissioner of Public Health, or the commissioner's  
115 designee;

116 [(13)] (16) The president of the Connecticut Police Chiefs  
117 Association, or the president's designee;

118 (17) The chief of police of a municipality with a population in excess  
119 of one hundred thousand, appointed by the president of the  
120 Connecticut Police Chiefs Association;

121 [(14)] (18) Two child or youth advocates, one of whom shall be  
122 appointed by one chairperson of the Juvenile Justice Policy and  
123 Oversight Committee, and one of whom shall be appointed by the  
124 other chairperson of the Juvenile Justice Policy and Oversight  
125 Committee;

126 [(15)] (19) Two parents or parent advocates, at least one of whom is  
127 the parent of a child who has been involved with the juvenile justice  
128 system, one of whom shall be appointed by the minority leader of the  
129 House of Representatives, and one of whom shall be appointed by the  
130 minority leader of the Senate;

131 [(16)] (20) The Child Advocate, or the Child Advocate's designee;  
132 and

133 [(17)] (21) The Secretary of the Office of Policy and Management, or  
134 the secretary's designee.

135 (c) [All appointments to the committee shall be made not later than  
136 thirty days after June 13, 2014.] Any vacancy shall be filled by the

137 appointing authority.

138 (d) The Secretary of the Office of Policy and Management, or the  
139 secretary's designee, and a member of the General Assembly selected  
140 jointly by the speaker of the House of Representatives and the  
141 president pro tempore of the Senate from among the members serving  
142 pursuant to subdivision (1) or (2) of subsection (b) of this section shall  
143 be cochairpersons of the committee. Such cochairpersons shall  
144 schedule the first meeting of the committee, which shall be held not  
145 later than sixty days after June 13, 2014.

146 (e) Members of the committee shall serve without compensation,  
147 except for necessary expenses incurred in the performance of their  
148 duties.

149 (f) Not later than January 1, 2015, the committee shall report, in  
150 accordance with section 11-4a, to the joint standing committees of the  
151 General Assembly having cognizance of matters relating to  
152 appropriations, the judiciary, human services and children, and the  
153 Secretary of the Office of Policy and Management, regarding the  
154 following:

155 (1) Any statutory changes concerning the juvenile justice system  
156 that the committee recommends to (A) improve public safety, (B)  
157 promote the best interests of children and youths who are under the  
158 supervision, care or custody of the Commissioner of Children and  
159 Families or the Court Support Services Division of the Judicial  
160 Department; (C) improve transparency and accountability with respect  
161 to state-funded services for children and youths in the juvenile justice  
162 system with an emphasis on goals identified by the committee for  
163 community-based programs and facility-based interventions; and (D)  
164 promote the efficient sharing of information between the Department  
165 of Children and Families and the Judicial Department to ensure the  
166 regular collection and reporting of recidivism data and promote public  
167 welfare and public safety outcomes related to the juvenile justice  
168 system;

169 (2) A definition of "recidivism" that the committee recommends to  
170 be used by state agencies with responsibilities with respect to the  
171 juvenile justice system, and recommendations to reduce recidivism for  
172 children and youths in the juvenile justice system;

173 (3) Short-term goals to be met within six months, medium-term  
174 goals to be met within twelve months and long-term goals to be met  
175 within eighteen months, for the Juvenile Justice Policy and Oversight  
176 Committee and state agencies with responsibilities with respect to the  
177 juvenile justice system to meet, after considering existing relevant  
178 reports related to the juvenile justice system and any related state  
179 strategic plan;

180 (4) The impact of legislation that expanded the jurisdiction of the  
181 juvenile court to include persons sixteen and seventeen years of age, as  
182 measured by the following:

183 (A) Any change in the average age of children and youths involved  
184 in the juvenile justice system;

185 (B) The types of services used by designated age groups and the  
186 outcomes of those services;

187 (C) The types of delinquent acts or criminal offenses that children  
188 and youths have been charged with since the enactment and  
189 implementation of such legislation; and

190 (D) The gaps in services identified by the committee with respect to  
191 children and youths involved in the juvenile justice system, including,  
192 but not limited to, children and youths who have attained the age of  
193 eighteen after being involved in the juvenile justice system, and  
194 recommendations to address such gaps in services; and

195 (5) Strengths and barriers identified by the committee that support  
196 or impede the educational needs of children and youths in the juvenile  
197 justice system, with specific recommendations for reforms.

198 (g) Not later than July 1, 2015, the committee shall report, in

199 accordance with section 11-4a, to the joint standing committees of the  
200 General Assembly having cognizance of matters relating to  
201 appropriations, the judiciary, human services and children, and the  
202 Secretary of the Office of Policy and Management, regarding the  
203 following:

204 (1) The quality and accessibility of diversionary programs available  
205 to children and youths in this state, including juvenile review boards  
206 and services for a child or youth who is a member of a family with  
207 service needs;

208 (2) An assessment of the system of community-based services for  
209 children and youths who are under the supervision, care or custody of  
210 the Commissioner of Children and Families or the Court Support  
211 Services Division of the Judicial Department;

212 (3) An assessment of the congregate care settings that are operated  
213 privately or by the state and have housed children and youths  
214 involved in the juvenile justice system in the past twelve months;

215 (4) An examination of how the state Department of Education and  
216 local boards of education, the Department of Children and Families,  
217 the Department of Mental Health and Addiction Services, the Court  
218 Support Services Division of the Judicial Department, and other  
219 appropriate agencies can work collaboratively through school-based  
220 efforts and other processes to reduce the number of children and  
221 youths who enter the juvenile justice system as a result of being a  
222 member of a family with service needs or convicted as delinquent;

223 (5) An examination of practices and procedures that result in  
224 disproportionate minority contact, as defined in section 4-68y, within  
225 the juvenile justice system;

226 (6) A plan to provide that all facilities and programs that are part of  
227 the juvenile justice system and are operated privately or by the state  
228 provide results-based accountability;

229 (7) An assessment of the number of children and youths who, after  
230 being under the supervision of the Department of Children and  
231 Families, are convicted as delinquent; and

232 (8) An assessment of the overlap between the juvenile justice system  
233 and the mental health care system for children.

234 (h) The committee shall complete its duties under [subsections (f)  
235 and (g) of] this section after consultation with one or more  
236 organizations that focus on relevant issues regarding children and  
237 youths, such as the University of New Haven and any of the  
238 university's institutes. The committee may accept administrative  
239 support and technical and research assistance from any such  
240 organization. The committee shall work in collaboration with any  
241 results first initiative implemented pursuant to section 2-111 or any  
242 public or special act.

243 (i) The committee shall establish a time frame for review and  
244 reporting regarding the responsibilities outlined in subdivision (5) of  
245 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of  
246 subsection (g) of this section. Each report submitted by the committee  
247 shall include specific recommendations to improve outcomes and a  
248 timeline by which specific tasks or outcomes must be achieved.

249 (j) The committee shall implement a strategic plan that integrates  
250 the short-term, medium-term and long-term goals identified pursuant  
251 to subdivision (3) of subsection (f) of this section. As part of the  
252 implementation of such plan, the committee shall collaborate with any  
253 state agency with responsibilities with respect to the juvenile justice  
254 system, including, but not limited to, the Departments of Education,  
255 Mental Health and Addiction Services, Correction and Children and  
256 Families and the Labor Department and Judicial Department, and  
257 municipal police departments. Not later than January 1, 2016, the  
258 committee shall report such plan, in accordance with section 11-4a, to  
259 the joint standing committees of the General Assembly having  
260 cognizance of matters relating to appropriations, the judiciary, human

261 services and children, and the Secretary of the Office of Policy and  
262 Management, regarding progress toward the full implementation of  
263 such plan and any recommendations concerning the implementation  
264 of such identified goals by any state agency with responsibilities with  
265 respect to the juvenile justice system or municipal police departments.

266 (k) The committee shall assess the juvenile justice system and make  
267 recommendations, if any, to improve the system. Not later than July 1,  
268 2016, July 1, 2017, and July 1, 2018, the committee shall report such  
269 assessment and recommendations, in accordance with section 11-4a, to  
270 the joint standing committees of the General Assembly having  
271 cognizance of matters relating to appropriations, the judiciary, human  
272 services and children, and the Secretary of the Office of Policy and  
273 Management, regarding the following:

274 (1) Mental health and substance abuse treatment programs and  
275 services for children and youths involved with, or at risk of  
276 involvement with, the juvenile justice system;

277 (2) Educational outcomes for children and youths involved with, or  
278 at risk of involvement with, the juvenile justice system;

279 (3) Disproportionate minority contact, as defined in section 4-68y,  
280 with children and youths involved with the juvenile justice system;

281 (4) Training on the juvenile justice system for state agencies and  
282 municipal police departments;

283 (5) Diversion of at-risk children and youths from the juvenile justice  
284 system;

285 (6) Recidivism tracking and policies and procedures to reduce  
286 recidivism;

287 (7) Data sharing among public and private juvenile justice and other  
288 child services agencies, including the Department of Education, to  
289 evaluate the effectiveness and efficiency of the juvenile justice system;

290 (8) Vocational educational opportunities for children and youths in  
291 the juvenile justice system until the child or youth reaches the age of  
292 twenty-one years of age;

293 (9) Oversight and the reduction in the use of restraints for children  
294 and youths, and the reduction in the use of seclusion and room  
295 confinement in juvenile justice facilities;

296 (10) Use of evidence-based positive behavioral support strategies  
297 and other evidence-based or research-informed strategies for reducing  
298 the reliance on restraints and seclusion; and

299 (11) Programs and facilities using restraints or seclusion for children  
300 or youths and any data regarding such uses, including, but not limited  
301 to, the rate and duration of use for children and youths with  
302 disabilities.

303 [(j)] (l) Not later than July 1, 2015, and quarterly thereafter until  
304 January 1, 2017, and annually thereafter, the committee shall submit a  
305 report, in accordance with section 11-4a, to the joint standing  
306 committees of the General Assembly having cognizance of matters  
307 relating to appropriations, the judiciary, human services and children,  
308 and the Secretary of the Office of Policy and Management, regarding  
309 progress made to achieve goals and measures identified by the  
310 committee pursuant to this section.

311 Sec. 3. (NEW) (*Effective October 1, 2015*) There shall be a presumption  
312 in juvenile proceedings that all mechanical restraints shall be removed  
313 from a preadjudicated detained juvenile prior to and throughout the  
314 detainee's appearance in court. In juvenile proceedings, in-court use of  
315 mechanical restraints on preadjudicated detainees shall be by order of  
316 the court and pursuant to Judicial Branch written policy. The Judicial  
317 Branch shall keep statistics on the use of mechanical restraints on  
318 juveniles during proceedings and, notwithstanding any provision of  
319 section 46b-124 of the general statutes, shall provide such statistics to  
320 any member of the public upon request, provided any identifying  
321 information concerning a juvenile is redacted.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	46b-127(a) and (b)
Sec. 2	<i>October 1, 2015</i>	46b-121n
Sec. 3	<i>October 1, 2015</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 16 \$</b>	<b>FY 17 \$</b>
Correction, Dept.; Judicial Dpt (Probation)	GF - Potential Savings	See Below	See Below
Children & Families, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

Section 1 of the bill narrows the circumstances under which cases are automatically transferred from juvenile court to adult criminal court. The section results in potential savings to the Department of Correction (DOC) and the Judicial Department and potential costs to the Department of Children and Families (DCF). To the extent that future criminal cases involving juveniles are not transferred to adult court, more juvenile offenders will potentially be committed to DCF and fewer to DOC. On average, it costs DOC approximately \$200 per day to house a juvenile offender, as opposed to approximately \$600 per day under the supervision of DCF. It should be noted, however, that DCF commitments are limited to 4 years and terminate automatically when the offender turns 20. There are no such limits on juvenile offender sentences when they are adjudicated in the adult court. In FY 14, prosecutors requested transfer of at least 157 cases from juvenile to adult court. There is no data available on the number of cases which will result in automatic transfer under the bill.

Section 2 requires the presence of a parent or guardian for a confession or statement made by a 16 or 17-year old to be admissible in

court and does not result in a fiscal impact.

Section 3 expands the responsibilities of the Juvenile Justice Policy and Oversight Committee (JJPOC). The JJPOC is budgeted to receive an appropriation of \$150,000 in the budget of the Judicial Department to allow for staff assistance from the University of New Haven.

Section 4 involves the use of shackles in juvenile court and does not result in a fiscal impact.

House Amendment "A" strikes section 1 and inserts similar language that results in the fiscal impact described above.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 7050 (as amended by House "A")\******AN ACT CONCERNING THE JUVENILE JUSTICE SYSTEM.*****SUMMARY:**

This bill makes various changes affecting the juvenile justice system.

It changes when cases may or must be transferred from juvenile court to adult criminal court, including:

1. eliminating automatic transfers for children aged 14 through 17 charged with certain class B felonies and
2. raising the minimum age, from 14 to 15, for the (a) automatic transfer for other class B felonies or more serious crimes and (b) discretionary transfer for felonies not subject to automatic transfer.

The bill (1) creates a presumption that mechanical restraints (such as shackles) will be removed from a juvenile during juvenile court proceedings before a determination of delinquency, (2) specifies when such restraints may be allowed, and (3) requires the Judicial Branch to keep related statistical information.

It also expands the Juvenile Justice Policy and Oversight Committee's (JJPOC) membership and responsibilities. For example, it requires the committee to (1) implement a strategic plan and report on the plan by January 1, 2016 and (2) annually report on certain matters beyond the current January 1, 2017 end date for its responsibilities.

\*House Amendment "A" (1) removes provisions from the underlying bill that would require the presence of a parent or guardian

for a confession or other statement by a 16- or 17-year-old to be admissible and (2) eliminates the automatic transfer to adult court for certain class B felonies, rather than all class B felonies as in the underlying bill.

EFFECTIVE DATE: October 1, 2015

### **§ 1 — TRANSFER TO ADULT CRIMINAL COURT**

Current law requires the juvenile court to automatically transfer a child aged 14 through 17 to adult criminal court if he or she is charged with a capital felony committed prior to April 25, 2012, a class A or B felony (see BACKGROUND), or arson murder. For 14- to 17-year-olds charged with other felonies, the prosecutor can request a transfer to adult court, and the court can order the transfer in certain circumstances, described below.

For all felonies, the bill eliminates the transfer of 14-year-olds to adult court.

It also eliminates automatic transfer for the following class B felonies:

1. first-degree manslaughter;
2. first-degree assault of a Department of Correction employee;
3. second-degree sexual assault with a victim under age 16;
4. second-degree kidnapping;
5. one form of first-degree burglary (i.e., the person enters or remains unlawfully in a building with intent to commit a crime in the building and in the course of committing the offense, intentionally, knowingly, or recklessly inflicts or attempts to inflict bodily injury on anyone);
6. second-degree arson;

7. first-degree larceny;
8. first-degree identify theft;
9. first-degree robbery, other than when the person is armed with a deadly weapon;
10. importing child pornography;
11. first-degree possessing child pornography;
12. first-degree computer crime; and
13. computer crime in furtherance of terrorist purposes.

The bill allows the prosecutor to request a transfer to adult court for a 15- to 17-year-old charged with one of these crimes, under the same procedures as in existing law for felonies not subject to automatic transfer.

Under these procedures, if the prosecutor requests a transfer, the court can order the transfer only if it determines after a hearing that (1) there is probable cause to believe that the child committed the alleged offense and (2) the best interests of both the child and public are not served by keeping the case in juvenile court. The court must consider (1) the child's prior criminal or juvenile offenses and their seriousness, (2) any evidence that the child has intellectual disability or mental illness, and (3) the availability of juvenile court services that can serve the child's needs. The motion to transfer must be made, and the hearing held, within 30 days after the child's arraignment in juvenile court.

For these discretionary transfers, as for discretionary transfers under existing law, the adult criminal court can return the case to juvenile court any time before a jury verdict or guilty plea, upon a showing of good cause.

### **§ 3 — MECHANICAL RESTRAINTS IN JUVENILE COURT PROCEEDINGS**

Under the bill, there is a presumption that all mechanical restraints will be removed from a detained juvenile appearing in juvenile court. The presumption applies before the juvenile appears in court and throughout his or her court appearances, until the final adjudication of the case.

The bill allows the in-court use of mechanical restraints for these juveniles only upon court order and under the written policy of the Judicial Branch (see BACKGROUND).

The bill requires the Judicial Branch to keep statistics on the use of mechanical restraints during juvenile proceedings. It requires the branch to provide these statistics to any member of the public upon request. Before doing so, the branch must redact any information that would identify a juvenile.

### **§ 4 — JJPOC**

Legislation enacted last year established the JJPOC to evaluate and report on (1) juvenile justice system policies and (2) the extension of juvenile jurisdiction to 16- and 17-year-olds.

#### ***Membership***

Under current law, the JJPOC has 35 members. The bill adds to the committee the:

1. labor, social services, and public health commissioners, or their designees and
2. chief of police of a municipality with a population over 100,000, appointed by the president of the Connecticut Police Chiefs Association.

#### ***Reporting Requirements***

Existing law requires the JJPOC to submit specific reports to the Appropriations, Children's, Human Services, and Judiciary

committees and the Office of Policy and Management (OPM) secretary. The first report was due January 1, 2015; the next report is due July 1, 2015; and quarterly reports are due after that until January 1, 2017.

**Strategic Plan.** By law, among the required components of the first report were short-, medium-, and long-term goals for the JJPOC and state agencies with juvenile justice system responsibilities, developed after considering existing relevant reports related to the juvenile justice system and any related state strategic plan.

The bill requires the JJPOC to implement a strategic plan integrating these goals. As part of the plan's implementation, the JJPOC must collaborate with (1) municipal police departments and (2) any state agency with juvenile justice system responsibilities, including the Judicial Branch and the departments of Children and Families (DCF), Correction, Education (SDE), Labor, and Mental Health and Addiction Services.

By January 1, 2016, the committee must report the plan to the Appropriations, Children's, Human Services, and Judiciary committees and the OPM secretary. The report must (1) address progress toward the plan's full implementation and (2) include any recommendations on the implementation of these goals by municipal police departments or any involved state agency.

**Recommendations to Improve Juvenile Justice System.** The bill requires the JJPOC to assess the juvenile justice system and make any recommendations to improve it. The JJPOC must report on the assessment and recommendations to the recipients noted above, by July 1 of 2016, 2017, and 2018. The reports must address:

1. educational outcomes and mental health and substance abuse treatment programs and services for children and youths (i.e., aged 16 or 17) involved with the juvenile justice system, or at risk of this involvement;
2. disproportionate minority contact with children and youths

- involved with the juvenile justice system;
3. training on the system for state agencies and municipal police departments;
  4. diverting at-risk children and youths from the system;
  5. recidivism tracking and policies and procedures to reduce recidivism;
  6. data sharing among public and private juvenile justice agencies and other child services agencies, including SDE, to evaluate the system's effectiveness and efficiency;
  7. vocational educational opportunities for children and youths in the system, until they turn 21;
  8. oversight of, and reduction in, the use of restraints for children and youths, and reduction in the use of seclusion and room confinement in juvenile justice facilities;
  9. evidence-based positive behavioral support strategies and other evidence-based or research-informed strategies to reduce the reliance on restraints and seclusion; and
  10. programs and facilities using restraints or seclusion for children or youths and any data on this use, including the rate and duration of use for children and youths with disabilities.

**Reporting on Progress.** Existing law requires the JJPOC to submit quarterly reports on the progress of its goals and measures, starting by July 1, 2015 until January 1, 2017. The bill extends this requirement to include annual reporting after that.

**Consultation and Support.** Current law requires the JJPOC, in meeting its requirements for the reports due in January and July 2015, to consult with one or more organizations that focus on relevant children and youth issues, such as the University of New Haven and

any of its institutes. The bill requires this consultation for all of the JJPOC's responsibilities. It also specifically allows the committee to accept administrative support and technical and research assistance from these organizations.

By law, the JJPOC must also work in collaboration with any results first initiatives implemented by law, including those implemented by the Results First Policy Oversight Committee (CGS § 2-111).

## **BACKGROUND**

### ***Class A and B Felonies: Disposition in Juvenile vs. Criminal Court***

When handled in criminal court, authorized prison terms are generally (1) up to 25 years for class A felonies and (2) up to 20 years for class B felonies. For some A or B felonies, there are (1) longer maximum terms (e.g., 60 years for murder) or (2) mandatory minimum terms.

If a child or youth is adjudicated delinquent in a juvenile court for violating a criminal statute, the court may order various sentences, such as an alternative incarceration program, probation, or commitment to DCF. DCF commitment may be for up to four years for a "serious juvenile offense" or up to 18 months for other offenses. Serious juvenile offenses include (1) murder with special circumstances (previously, capital felony); (2) arson murder, (3) all class A felonies; and (4) many class B felonies.

DCF may extend the commitment beyond these periods if it can prove to the court that doing so would be in the best interest of the child or the community. DCF commitments for delinquency end when the child reaches age 20 (CGS §§ 46b-140, 141).

### ***Judicial Branch Policy on Use of Mechanical Restraints in Juvenile Courts***

Effective April 1, 2015, a Judicial Branch policy established a presumption that mechanical restraints will be removed from a juvenile prior to and throughout his or her appearance in juvenile

court. Under the policy, in-court restraints may be used only pursuant to a judge’s order in accordance with the policy.

The policy requires a classification and program officer from the Court Support Services Division to complete a form before transporting a juvenile to juvenile court. On the form, the officer must indicate whether restraints are recommended and, if so, the types. The policy specifies factors that must be present to support the use of these restraints (e.g., whether the juvenile has threatened or attempted to escape or is charged with a class A felony).

If the juvenile’s lawyer or other parties disagree with the recommendation, they may address the court before the juvenile appears in court. After hearing from all parties, the judge determines which restraints, if any, are appropriate.

Any restraints removed under this policy must be immediately reapplied upon completion of the court hearing, in a secure area outside the courtroom.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 24 Nay 20 (04/09/2015)