



House of Representatives

General Assembly

File No. 758

January Session, 2023

Substitute House Bill No. 6888

House of Representatives, May 11, 2023

The Committee on Appropriations reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING JUVENILE JUSTICE.

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

1 Section 1. Section 46b-121s of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) There shall be a community-based diversion system that is based
4 upon the plan developed pursuant to subsection (k) of section 46b-121n,
5 as amended by this act.

6 (b) In lieu of arresting a child for a violation of section 53a-110a, 53a-
7 125b, 53a-181a or 53a-182, a law enforcement agency shall refer such
8 child to a juvenile review board in accordance with such community-
9 based diversion system. The juvenile review board shall require the
10 child to receive prevention, intervention and treatment services
11 provided by a youth service bureau or community-based service
12 provider. If such child does not successfully fulfill the requirements
13 imposed by the youth service bureau or community-based service
14 provider, the juvenile review board may refer the child to the court for

15 delinquency proceedings.

16 Sec. 2. (*Effective from passage*) (a) An implementation team shall
17 develop a plan for mandatory prearrest diversion of low-risk children.
18 The implementation team shall include (1) the Commissioners of
19 Children and Families, Education and Correction, or their designees, (2)
20 the executive director of the Court Support Services Division of the
21 Judicial Branch, or the executive director's designee, and (3)
22 representatives of local and regional boards of education, appointed by
23 the chairpersons of the Juvenile Justice and Policy Oversight
24 Committee, established pursuant to section 46b-121n of the general
25 statutes, as amended by this act. The implementation team shall
26 consider stakeholder input, including from children, families and law
27 enforcement officials in the development of such plan.

28 (b) Not later than July 1, 2024, the implementation team shall also
29 develop a plan for automatic prearrest diversion of children to the
30 community-based diversion system or other community-based
31 providers in lieu of arrest for first or second offenses, such as breach of
32 peace in the second degree under section 53a-181 of the general statutes
33 and larceny in the fifth degree under section 53a-125a of the general
34 statutes. The implementation team shall consider and include data
35 when developing such plan concerning prearrest diversionary
36 measures implemented pursuant to section 46b-121s of the general
37 statutes, as amended by this act. Additionally, the plan shall consider:
38 (1) The capacity of youth service bureaus and other local agencies who
39 will provide services to children diverted under the plan; (2)
40 accountability mechanisms to measure success of services provided; (3)
41 processes for victim input and involvement; (4) data collection for the
42 purpose of tracking referrals of diverted children to youth service
43 bureaus; (5) communication and outreach strategies to stakeholders for
44 the purpose of accessing local services; (6) dates for full implementation
45 of the plan; and (7) any other considerations the implementation team
46 finds necessary for a successful implementation of the plan.

47 (c) Not later than July 1, 2024, the implementation team shall submit

48 the plan for automatic prearrest diversion of children and report on its
49 findings and recommendations pursuant to subsection (b) of this
50 section, to the Juvenile Justice Policy and Oversight Committee. The
51 implementation team shall terminate on the date that it submits such
52 report or January 1, 2025, whichever is later.

53 Sec. 3. Section 46b-121n of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective from passage*):

55 (a) There is established a Juvenile Justice Policy and Oversight
56 Committee. The committee shall evaluate policies related to the juvenile
57 justice system and the expansion of juvenile jurisdiction to include
58 persons sixteen and seventeen years of age.

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

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

63 (2) The chairpersons and ranking members of the joint standing
64 committees of the General Assembly having cognizance of matters
65 relating to the judiciary, children, human services and appropriations,
66 or their designees;

67 (3) The Chief Court Administrator, or the Chief Court
68 Administrator's designee;

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

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

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

75 (7) The Chief Public Defender, or the Chief Public Defender's
76 designee;

77 (8) The Chief State's Attorney, or the Chief State's Attorney's
78 designee;

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

81 (10) The Commissioner of Correction, or the commissioner's
82 designee;

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

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

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

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

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

91 (16) The president of the Connecticut Police Chiefs Association, or the
92 president's designee;

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

96 (18) Two child or youth advocates, one of whom shall be appointed
97 by one chairperson of the Juvenile Justice Policy and Oversight
98 Committee, and one of whom shall be appointed by the other
99 chairperson of the Juvenile Justice Policy and Oversight Committee;

100 (19) Two parents or parent advocates, at least one of whom is the
101 parent of a child who has been involved with the juvenile justice system,
102 one of whom shall be appointed by the minority leader of the House of
103 Representatives, and one of whom shall be appointed by the minority
104 leader of the Senate;

105 (20) The Victim Advocate, or the Victim Advocate's designee;

106 (21) The Child Advocate, or the Child Advocate's designee; [and]

107 (22) The Secretary of the Office of Policy and Management, or the
108 secretary's designee;

109 (23) Two children, youths or young adults under twenty-six years of
110 age with lived experience in the juvenile justice system, nominated by
111 the community expertise subcommittee, one of whom shall be
112 appointed by each chairperson of this committee; and

113 (24) One community member who may be a family member of a child
114 who has been involved with the juvenile justice system or a credible
115 messenger with lived experience in the juvenile justice system and who
116 works with youth in the juvenile justice system, nominated by the
117 community expertise subcommittee and appointed by the chairpersons
118 of this committee.

119 (c) Any vacancy shall be filled by the appointing authority.

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

128 (e) Members of the committee shall serve without compensation,
129 except for necessary expenses incurred in the performance of their
130 duties.

131 (f) Not later than January 1, 2015, the committee shall report, in
132 accordance with section 11-4a, to the joint standing committees of the
133 General Assembly having cognizance of matters relating to
134 appropriations, the judiciary, human services and children, and the

135 Secretary of the Office of Policy and Management, regarding the
136 following:

137 (1) Any statutory changes concerning the juvenile justice system that
138 the committee recommends to (A) improve public safety; (B) promote
139 the best interests of children and youths who are under the supervision,
140 care or custody of the Commissioner of Children and Families or the
141 Court Support Services Division of the Judicial Department; (C)
142 improve transparency and accountability with respect to state-funded
143 services for children and youths in the juvenile justice system with an
144 emphasis on goals identified by the committee for community-based
145 programs and facility-based interventions; and (D) promote the efficient
146 sharing of information between the Department of Children and
147 Families and the Judicial Department to ensure the regular collection
148 and reporting of recidivism data and promote public welfare and public
149 safety outcomes related to the juvenile justice system;

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

154 (3) Short-term goals to be met within six months, medium-term goals
155 to be met within twelve months and long-term goals to be met within
156 eighteen months, for the Juvenile Justice Policy and Oversight
157 Committee and state agencies with responsibilities with respect to the
158 juvenile justice system to meet, after considering existing relevant
159 reports related to the juvenile justice system and any related state
160 strategic plan;

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

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

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

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

171 (D) The gaps in services identified by the committee with respect to
172 children and youths involved in the juvenile justice system, including,
173 but not limited to, children and youths who have attained the age of
174 eighteen after being involved in the juvenile justice system, and
175 recommendations to address such gaps in services; and

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

179 (g) Not later than July 1, 2015, the committee shall report, in
180 accordance with section 11-4a, to the joint standing committees of the
181 General Assembly having cognizance of matters relating to
182 appropriations, the judiciary, human services and children, and the
183 Secretary of the Office of Policy and Management, regarding the
184 following:

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

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

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

196 (4) An examination of how the state Department of Education and
197 local boards of education, the Department of Children and Families, the
198 Department of Mental Health and Addiction Services, the Court
199 Support Services Division of the Judicial Department, and other
200 appropriate agencies can work collaboratively through school-based
201 efforts and other processes to reduce the number of children and youths
202 who enter the juvenile justice system;

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

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

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

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

214 (h) The committee shall complete its duties under this section after
215 consultation with one or more organizations that focus on relevant
216 issues regarding children and youths, such as the University of New
217 Haven and any of the university's institutes. The committee may accept
218 administrative support and technical and research assistance from any
219 such organization. The committee shall work in collaboration with any
220 results first initiative implemented pursuant to section 2-111 or any
221 public or special act.

222 (i) The committee shall establish a time frame for review and
223 reporting regarding the responsibilities outlined in subdivision (5) of
224 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of
225 subsection (g) of this section. Each report submitted by the committee
226 shall include specific recommendations to improve outcomes and a

227 timeline by which specific tasks or outcomes must be achieved.

228 (j) The committee shall implement a strategic plan that integrates the
229 short-term, medium-term and long-term goals identified pursuant to
230 subdivision (3) of subsection (f) of this section. As part of the
231 implementation of such plan, the committee shall collaborate with any
232 state agency with responsibilities with respect to the juvenile justice
233 system, including, but not limited to, the Departments of Education,
234 Mental Health and Addiction Services, Correction and Children and
235 Families and the Labor Department and Judicial Department, and
236 municipal police departments. Not later than January 1, 2016, the
237 committee shall report such plan, in accordance with section 11-4a, to
238 the joint standing committees of the General Assembly having
239 cognizance of matters relating to appropriations, the judiciary, human
240 services and children, and the Secretary of the Office of Policy and
241 Management, regarding progress toward the full implementation of
242 such plan and any recommendations concerning the implementation of
243 such identified goals by any state agency with responsibilities with
244 respect to the juvenile justice system or municipal police departments.

245 (k) Not later than January 1, 2017, the committee shall submit a
246 report, in accordance with section 11-4a, to the joint standing
247 committees of the General Assembly having cognizance of matters
248 relating to appropriations, the judiciary, human services and children
249 and the Secretary of the Office of Policy and Management, regarding a
250 plan that includes cost options for the development of a community-
251 based diversion system. Such plan shall include recommendations to
252 address issues concerning mental health and juvenile justice. The plan
253 shall include recommendations regarding the following:

254 (1) Diversion of children who commit crimes, excluding serious
255 juvenile offenses, from the juvenile justice system;

256 (2) Identification of services that are evidence-based, trauma-
257 informed and culturally and linguistically appropriate;

258 (3) Expansion of the capacity of juvenile review boards to accept

259 referrals from municipal police departments and schools and
260 implement restorative practices;

261 (4) Expansion of the provision of prevention, intervention and
262 treatment services by youth service bureaus;

263 (5) Expansion of access to in-home and community-based services;

264 (6) Identification and expansion of services needed to support
265 children who are truant or exhibiting behaviors defiant of school rules
266 and enhance collaboration between school districts and community
267 providers in order to best serve such children;

268 (7) Expansion of the use of memoranda of understanding pursuant to
269 section 10-233m between local law enforcement agencies and local and
270 regional boards of education;

271 (8) Expansion of the use of memoranda of understanding between
272 local and regional boards of education and community providers for
273 provision of community-based services;

274 (9) Recommendations to ensure that children in the juvenile justice
275 system have access to a full range of community-based behavioral
276 health services;

277 (10) Reinvestment of cost savings associated with reduced
278 incarceration rates for children and increased accessibility to
279 community-based behavioral health services;

280 (11) Reimbursement policies that incentivize providers to deliver
281 evidence-based practices to children in the juvenile justice system;

282 (12) Recommendations to promote the use of common behavioral
283 health screening tools in schools and communities;

284 (13) Recommendations to ensure that secure facilities operated by the
285 Department of Children and Families or the Court Support Services
286 Division of the Judicial Department and private service providers
287 contracting with said department or division to screen children in such

288 facilities for behavioral health issues; and

289 (14) Expansion of service capacities informed by an examination of
290 grant funds and federal Medicaid reimbursement rates.

291 (l) The committee shall establish a data working group to develop a
292 plan for a data integration process to link data related to children across
293 executive branch agencies, through the Office of Policy and
294 Management's integrated data system, and the Judicial Department
295 through the Court Support Services Division, for purposes of evaluation
296 and assessment of programs, services and outcomes in the juvenile
297 justice system. Membership of the working group shall include, but not
298 be limited to, the Commissioners of Children and Families, Correction,
299 Education and Mental Health and Addiction Services, or their
300 designees; the Chief State's Attorney, or the Chief State's Attorney's
301 designee; the Chief Public Defender, or the Chief Public Defender's
302 designee; the Secretary of the Office of Policy and Management, or the
303 secretary's designee; and the Chief Court Administrator of the Judicial
304 Branch, or the Chief Court Administrator's designee. Such working
305 group shall include persons with expertise in data development and
306 research design. The plan shall include cost options and provisions to:

307 (1) Access relevant data on juvenile justice populations;

308 (2) Coordinate the handling of data and research requests;

309 (3) Link the data maintained by executive branch agencies and the
310 Judicial Department for the purposes of facilitating the sharing and
311 analysis of data;

312 (4) Establish provisions for protecting confidential information and
313 enforcing state and federal confidentiality protections and ensure
314 compliance with related state and federal laws and regulations;

315 (5) Develop specific recommendations for the committee on the use
316 of limited releases of client specific data sharing across systems,
317 including with the Office of Policy and Management, the Division of
318 Criminal Justice, the Departments of Children and Families, Education

319 and Mental Health and Addiction Services, the Judicial Department and
320 other agencies; and

321 (6) Develop a standard template for memoranda of understanding for
322 data-sharing between executive branch agencies, the Judicial
323 Department, and when necessary, researchers outside of state
324 government.

325 (m) (1) The committee shall periodically request, receive and review
326 information regarding conditions of confinement, including services
327 available, for persons under eighteen years of age detained at the John
328 R. Manson Youth Institution, Cheshire.

329 (2) Not later than October 1, 2018, the committee shall submit a
330 report, in accordance with section 11-4a, to the joint standing
331 committees of the General Assembly having cognizance of matters
332 relating to appropriations, the judiciary, human services and children
333 and the Secretary of the Office of Policy and Management on current
334 conditions of confinement, including services available, for persons
335 under eighteen years of age who are detained or incarcerated in
336 correctional facilities, juvenile secure facilities and other out-of-home
337 placements in the juvenile and criminal justice systems. The report shall
338 include, but need not be limited to, a description of any gaps in services
339 and the continued availability and utilization of mental health,
340 education, rehabilitative and family engagement services.

341 (n) Not later than January 1, 2020, the committee shall submit a
342 report, in accordance with section 11-4a, to the joint standing
343 committees of the General Assembly having cognizance of matters
344 relating to appropriations, the judiciary, human services and children
345 and the Secretary of the Office of Policy and Management regarding a
346 juvenile justice reinvestment plan. The report shall include a study and
347 make recommendations for the reinvestment of savings realized from
348 the decreased use of incarceration and congregate care towards strategic
349 investments in home-based, school-based and community-based
350 behavioral health services and supports for children diverted from, or
351 involved with, the juvenile justice system.

352 (o) Not later than January 1, 2019, and annually thereafter, the
353 Department of Correction and the Court Support Services Division of
354 the Judicial Branch shall report to the committee on compliance with the
355 provisions of section 46b-126a. Such reports shall present indicia of
356 compliance in both state facilities and those facilities managed by a
357 private provider under contract with the state, and shall include data on
358 all persons under eighteen years of age who have been removed or
359 excluded from educational settings as a result of alleged behavior
360 occurring in those educational settings.

361 (p) Not later than January 1, 2019, and annually thereafter, all state
362 agencies that detain or otherwise hold in custody a person under
363 eighteen years of age involved with the juvenile justice or criminal
364 justice system, or that contract for the housing of any person involved
365 with the juvenile justice or criminal justice system under eighteen years
366 of age, shall report to the committee on compliance with the provisions
367 of section 46b-121p. Such reports shall include indicia of compliance in
368 both direct-run and contract facilities, and shall include data on all
369 rearrests and uses of confinements and restraints for youth in justice
370 system custody, as defined in section 10-253.

371 (q) [Not later than July 1, 2018, the] The committee shall convene [a]
372 an education subcommittee to fulfill tasks, as directed by the committee,
373 consult in the development of a plan pursuant to section 5 of this act,
374 and develop a detailed plan concerning the overall coordination,
375 oversight, supervision, and direction of all vocational and academic
376 education services and programs for children in justice system custody,
377 and the provision of education-related transitional support services for
378 children returning to the community from justice system custody. The
379 subcommittee shall consist of:

380 (1) One person designated by the Commissioner of Education;

381 (2) One person designated by the executive director of the Court
382 Support Services Division of the Judicial Branch;

383 (3) One person designated by the Bridgeport School District;

- 384 (4) One person designated by the Hartford School District;
- 385 (5) One person designated by the Commissioner of Correction;
- 386 (6) One person who is an expert in state budgeting and who can assist
387 the subcommittee in obtaining data on relevant expenditures and
388 available resources, designated by the Secretary of the Office of Policy
389 and Management;
- 390 (7) Three persons, who are experts with significant career experience
391 in providing and coordinating education in justice-system settings and
392 who are not employees of the state of Connecticut, designated by the
393 chairpersons of the Juvenile Justice Oversight and Planning Committee;
394 and
- 395 (8) Two persons representing the interests of students and families,
396 one designated by the executive director of an organization in this state
397 with the mission of stopping the criminalization of this state's children
398 and one designated by the executive director of an organization in this
399 state that advocates for legal rights for the most vulnerable children in
400 this state.
- 401 (A) The plan developed pursuant to this subsection shall include, but
402 need not be limited to:
- 403 (i) Identification of a single state agency and designation of a program
404 manager within that agency who will be responsible for planning,
405 coordination, oversight, supervision, quality control, legal compliance
406 and allocation of relevant federal and state funds for children in justice
407 system custody;
- 408 (ii) A detailed description of how educational services will be
409 provided to children in justice system custody and how education-
410 related supports will be provided to children during transition out of
411 justice system custody, either directly by the single state agency
412 identified by the plan pursuant to clause (i) of this subparagraph or
413 through a state-wide contract with a single nonprofit provider;

414 (iii) An analysis of resources expended for educating children in
415 justice system custody and for supporting educational success during
416 transitions out of justice system custody, and recommendations for
417 consolidating and reallocating resources towards the oversight,
418 accountability, services and supports provided for in the plan pursuant
419 to this subsection;

420 (iv) Provisions for ensuring that a range of pathways to educational
421 and economic opportunity are available for children in justice system
422 custody, including at a minimum a traditional high school diploma
423 program, an accelerated credit recovery program, vocational training
424 programs and access to post-secondary educational options;

425 (v) Specifications for a state-wide accountability and quality control
426 system for schools that serve children in justice system custody. The
427 accountability and quality control system shall include, but need not be
428 limited to:

429 (I) A specialized school profile and performance report, to be
430 produced annually for each school that serves children in justice system
431 custody. The profiles and performance reports shall be consistent with
432 other accountability systems required by law and shall include criteria
433 and metrics tailored to measuring the quality of schools that serve
434 children in justice system custody. Such metrics shall include, but need
435 not be limited to: Student growth in reading and math; credit
436 accumulation; modified graduation rates and high school equivalent
437 passage rates; school attendance, defined as the percentage of children
438 who are actually physically present in classrooms for school and
439 educational programs; the percentage of students pursuing a high
440 school diploma, an industry-based certification, a recognized high
441 school diploma equivalent, credits for advanced courses and post-
442 secondary education programs; performance in educating children with
443 exceptionalities, including identification of special education needs, the
444 development of best-practices for individualized education programs
445 and the provision of services and supports mandated by individualized
446 education programs; student reenrollment in school or other

447 educational or vocational training programs after leaving justice system
448 custody; student success in post-release high school, post-secondary
449 education, or job-training programs; and compliance with the protocols
450 for support of educational transitions delineated in clause (vi) of this
451 subparagraph;

452 (II) Identifying achievement benchmarks for each measurement of
453 school quality;

454 (III) Written standards for educational quality for schools that serve
455 children in custody;

456 (IV) A program for quality control and evaluation of schools serving
457 children in custody. The program shall include, but need not be limited
458 to, in-person observation and monitoring of each school serving
459 children in justice system custody. The monitoring shall occur at least
460 annually, and shall be conducted by experts in special education and
461 education in justice-system settings;

462 (V) Provisions for ensuring that each school serving children in
463 justice system custody seeks and obtains external accreditation by a
464 recognized accrediting agency; and

465 (VI) A set of supports, interventions and remedies that shall be
466 implemented when a school serving children in justice system custody
467 falls consistently or significantly short of quality benchmarks;

468 (vi) Provisions for ensuring that the state-wide education system for
469 children in justice system custody includes:

470 (I) The engagement of one or more curriculum development
471 specialists to support learning in schools serving children in justice
472 system custody and to develop a flexible, high-interest, modular
473 curriculum that is aligned with state standards and adapted to the
474 context of educating children in justice system custody;

475 (II) The engagement of one or more professional development and
476 teacher training specialists to support teachers in schools that serve

477 children in justice system custody; and

478 (III) The engagement of professional reentry coordinators to support
479 educational success in children returning to the community from justice
480 system custody;

481 (vii) A protocol for educational support of children transitioning into,
482 and out of, justice system custody. The protocol shall include, but need
483 not be limited to:

484 (I) Team-based reentry planning for every child in justice system
485 custody;

486 (II) Clear and ambitious timelines for transfer of educational records
487 at intake and release from justice system custody; and

488 (III) Timelines for reenrollment and credit transfer;

489 (viii) Recommendations for any legislation that may be necessary or
490 appropriate to implement the provisions of the plan developed
491 pursuant to this subsection; and

492 (ix) A timeline for implementation of the plan developed pursuant to
493 this subsection.

494 (B) The plan developed pursuant to this subsection shall be submitted
495 on or before January 1, 2020, to the joint standing committee of the
496 General Assembly having cognizance of matters relating to education,
497 in accordance with the provisions of section 11-4a.

498 (C) For purposes of this subsection: "Justice system custody" means
499 justice system custody, as defined in section 10-253; "school" means any
500 program or institution, or any project or unit thereof, that provides any
501 academic or vocational education programming for any children in
502 justice system custody; and "child" means child, as defined in section 10-
503 253.

504 (r) The committee shall review methods other states employ to (1)
505 transfer juvenile cases to the regular criminal docket, and (2) detain

506 persons fifteen, sixteen and seventeen years of age whose cases are
507 transferred to the regular criminal docket. Such review shall consider
508 (A) the transfer of juvenile cases to the regular criminal docket and
509 outcomes associated with such transfers, including the impact on public
510 safety and the effectiveness in changing the behavior of juveniles, and
511 (B) preadjudication and postadjudication detention and include an
512 examination of organizational and programmatic alternatives. The
513 committee shall, in accordance with the provisions of section 11-4a, not
514 later than January 1, 2020, report such review including a plan for
515 implementation not later than July 1, 2021, of any recommended
516 changes, including cost options where appropriate to the committee of
517 the General Assembly having cognizance of matters relating to the
518 judiciary.

519 (s) The committee shall appoint persons to an incarceration
520 subcommittee for purposes that include developing plans pursuant to
521 sections 4 and 5 of this act, and to fulfill other tasks, as directed by the
522 committee.

523 (t) The committee shall appoint persons to a community expertise
524 subcommittee for purposes that include developing a plan pursuant to
525 section 5 of this act, and to fulfill other tasks, as directed by the
526 committee.

527 Sec. 4. (*Effective from passage*) (a) Not later than July 1, 2023, the
528 Department of Correction, in consultation with the incarceration
529 subcommittee, established pursuant to section 46b-121n of the general
530 statutes, as amended by this act, shall develop and submit the
531 commissary implementation plan described in subsection (b) of this
532 section, to the Juvenile Justice Policy and Oversight Committee,
533 established pursuant to said section.

534 (b) The plan developed in accordance with this section shall provide
535 for the following in relation to youths in Department of Correction
536 facilities: (1) An integrated positive behavior motivation system to
537 engage and reinforce positive youth behaviors and expectations that can
538 be used as payment for commissary goods in place of a monetary

539 system; (2) revised commissary policies and procedures to include the
540 development and implementation of positive behavior motivation
541 policies and procedures; (3) increased incentives to promote good health
542 and recognize a diverse range of ethnic groups, races, sexes and cultural
543 backgrounds; (4) (A) identification of youth within the institution that
544 do not have equitable access to commissary, including those who are
545 indigent, without family supports or with disabilities that contribute to
546 their lack of access to commissary, and (B) strategies to implement
547 equitable access to commissary; (5) provision of menstrual products in
548 a manner pursuant to sections 18-69e and 18-99b of the general statutes;
549 (6) transition of saved commissary allocations, including how associated
550 saved funds can be transitioned and accessed when a youth is
551 transferred to an adult facility; (7) ongoing training and assistance, such
552 as those provided through the Capitol Region Education Council's
553 Positive Behavioral Intervention and Supports; (8) continuous quality
554 improvement system for ongoing implementation of the plan pursuant
555 to this subsection; and (9) biannual surveys or focus groups to obtain
556 feedback from youth in Department of Correction facilities on ways to
557 improve its system and concerning the implementation of such plan.

558 (c) The Department of Correction shall immediately implement
559 procedures for more equitable commissary options for youth described
560 in subdivision (4) of subsection (b) of this section and shall fully
561 implement the plan not later than November 1, 2023.

562 Sec. 5. (*Effective from passage*) (a) Not later than November 1, 2023, the
563 executive director of the Court Support Services Division of the Judicial
564 Branch, or the executive director's designee, and the Commissioners of
565 Children and Families, Education and Correction, or their designees,
566 shall, in consultation with the incarceration, community expertise and
567 education subcommittees of the Juvenile Justice Policy and Oversight
568 Committee, established pursuant to section 46b-121n of the general
569 statutes, as amended by this act, develop a reentry success plan for
570 youth released from the Department of Correction and facilities and
571 programs under the jurisdiction of the Judicial Department.

572 (b) (1) Such plan shall be for the purpose of successfully reintegrating
573 youth into their communities. In the development of such plan, the
574 executive director of the Court Support Services Division of the Judicial
575 Branch, or the executive director's designee, and the Commissioners of
576 Children and Families, Education and Correction, or their designees, in
577 consultation with the incarceration, community expertise and education
578 subcommittees of the Juvenile Justice Policy and Oversight Committee,
579 shall consider all aspects deemed necessary for successful
580 implementation of such plan, including, but not limited to: (A) Reentry
581 models and best practices around the country, including reentry hubs,
582 community-based enhanced reentry wraparound services and
583 transitional housing; and (B) expansion of community reentry
584 roundtables and welcome centers that focus on youth.

585 (2) Such plan shall incorporate restorative and transformative justice
586 principles, including, but not limited to, the (A) provision of
587 individualized academic support and the role of school districts in
588 ensuring the provision of academic, vocational and transition support
589 services; (B) connection of youth to vocational and workforce
590 opportunities; (C) connection of youth to developmentally appropriate
591 housing; (D) delivery of trauma-informed mental health and substance
592 use treatments; (E) development of restorative justice reentry circles; (F)
593 use of credible messengers as mentors or transition support providers;
594 and (G) role of reentry coordinators.

595 (3) Such plan shall include (A) a proposed quality assurance
596 framework, including the collection of appropriate data, promulgation
597 of a public dashboard and monitoring framework to ensure the
598 successful discharge and reentry of incarcerated youth, and (B)
599 information concerning federal and state funding sources in support of
600 the comprehensive reentry model and identification of priorities and
601 appropriate timelines for implementation.

602 (c) Not later than January 1, 2024, the executive director of the Court
603 Support Services Division of the Judicial Branch, or the executive
604 director's designee, and the Commissioners of Children and Families,

605 Education and Correction, or their designees, shall report the plan
606 developed pursuant to this section to the Juvenile Justice Policy and
607 Oversight Committee.

608 Sec. 6. Section 13 of public act 21-174 is repealed and the following is
609 substituted in lieu thereof (*Effective from passage*):

610 (a) The Judicial Branch shall develop an implementation plan to
611 securely house in the custody of the Judicial Branch any person under
612 eighteen years of age who is arrested and detained prior to sentencing
613 or disposition on or after January 1, 2023. The plan shall include cost
614 estimates and recommendations for legislation as may be necessary or
615 appropriate for implementation of such plan.

616 (b) Not later than January 1, 2022, the Judicial Branch shall submit the
617 implementation plan developed pursuant to subsection (a) of this
618 section, in accordance with the provisions of section 11-4a of the general
619 statutes, to the joint standing committee of the General Assembly
620 having cognizance of matters relating to the judiciary and to the Juvenile
621 Justice Planning and Oversight Committee established pursuant to
622 section 46b-121n of the general statutes, as amended by this act.

623 (c) Not later than July 1, 2023, the Judicial Branch shall begin a review
624 and update of the implementation plan developed pursuant to
625 subsection (a) of this section and include provisions for the full and final
626 transition of all children from the care and custody of the Department
627 of Correction and into the care and custody of the Judicial Branch. Such
628 updated plan shall include a phased-in timetable for full
629 implementation and estimated costs for each phase of such
630 implementation.

631 (d) Not later than December 15, 2023, the Judicial Branch shall submit
632 the implementation plan updated pursuant to subsection (c) of this
633 section and any recommendations for legislation, funding or policy
634 changes, in accordance with the provisions of section 11-4a of the
635 general statutes, to the joint standing committee of the General
636 Assembly having cognizance of matters relating to the judiciary and to

637 the Juvenile Justice Planning and Oversight Committee established
638 pursuant to section 46b-121n of the general statutes, as amended by this
639 act.

640 Sec. 7. Section 54-1l of the general statutes is repealed and the
641 following is substituted in lieu thereof (*Effective from passage*):

642 (a) This section and section 54-1m, as amended by this act, shall be
643 known as the "Alvin W. Penn Racial Profiling Prohibition Act".

644 (b) For [the] purposes of this section, "racial profiling" means the
645 detention, interdiction or other disparate treatment of an individual
646 [solely] by a police officer on the basis, in whole or in part, of the
647 perceived racial or ethnic status of such individual, except when such
648 status is used in combination with other information when seeking to
649 apprehend a specific suspect whose racial or ethnic status is part of the
650 description of the suspect.

651 (c) No member of the Division of State Police within the Department
652 of Emergency Services and Public Protection, a municipal police
653 department or any other law enforcement agency shall engage in racial
654 profiling. [The detention of an individual based on any noncriminal
655 factor or combination of noncriminal factors is inconsistent with this
656 policy.]

657 [(d) The race or ethnicity of an individual shall not be the sole factor
658 in determining the existence of probable cause to place in custody or
659 arrest an individual or in constituting a reasonable and articulable
660 suspicion that an offense has been or is being committed so as to justify
661 the detention of an individual or the investigatory stop of a motor
662 vehicle.]

663 Sec. 8. Section 54-1m of the general statutes is repealed and the
664 following is substituted in lieu thereof (*Effective from passage*):

665 (a) Each municipal police department, the Department of Emergency
666 Services and Public Protection and any other department with authority
667 to conduct a traffic or pedestrian stop shall adopt a written policy that

668 prohibits the stopping, detention, interdiction or search of any person
669 when such action is [solely] motivated, in whole or in part, by
670 considerations of race, color, ethnicity, age, gender or sexual orientation,
671 [and such action would constitute a violation of the civil rights of the
672 person] except when such consideration of race, color, ethnicity, age,
673 gender or sexual orientation is used in combination with other
674 identifying factors in an effort to find and apprehend a specific suspect
675 whose race, color, ethnicity, age or gender is part of the description of
676 the suspect. For the purposes of this section: (1) ["Department with
677 authority to conduct a traffic stop"] "Department with authority to
678 conduct a traffic or pedestrian stop" means any department that
679 includes, or has oversight of, a police officer, (2) "pedestrian stop" means
680 a detention of a pedestrian by a police officer, not associated with a call
681 for service, when the detention results in a citation, an arrest, a frisking
682 or search of the pedestrian's body or property, but does not include a
683 detention for routine searches performed at a point of entry or exit from
684 a controlled area or an arrest or search pursuant to a warrant issued by
685 a judge of the Superior Court, and [(2)] (3) "police officer" means a police
686 officer within a municipal police department or the Department of
687 Emergency Services and Public Protection or a person with the same
688 authority pursuant to any provision of the general statutes to make
689 arrests or issue citations for violation of any statute or regulation
690 relating to motor vehicles and to enforce said statutes and regulations
691 as policemen or state policemen have in their respective jurisdictions,
692 including, but not limited to: (A) Special policemen or state policemen
693 acting under the provisions of section 29-18, 17a-24 or 17a-465; (B)
694 policemen acting under the provisions of section 29-19; (C) the
695 Commissioner of Motor Vehicles, each deputy commissioner of the
696 Department of Motor Vehicles and any salaried inspector of motor
697 vehicles designated by the commissioner pursuant to section 14-8; (D)
698 State Capitol Police officers acting under the provisions of section 2-1f;
699 (E) special police forces acting under the provisions of section 10a-156b;
700 (F) state policemen acting under the provisions of section 27-107; and
701 (G) fire police officers acting under the provisions of section 7-313a.

702 (b) Not later than [July 1, 2013] October 1, 2023, the Office of Policy

703 and Management, in consultation with the Racial Profiling Prohibition
704 Project Advisory Board established in section 54-1s, and the Criminal
705 Justice Information System Governing Board shall, within available
706 resources, develop and implement a standardized method:

707 (1) To be used by police officers of municipal police departments, the
708 Department of Emergency Services and Public Protection and any other
709 department with authority to conduct a traffic or pedestrian stop to
710 record traffic or pedestrian stop information unless the police officer is
711 required to leave the location of the stop prior to completing such form
712 in order to respond to an emergency or due to some other exigent
713 circumstance within the scope of such police officer's duties. The
714 standardized method and any form developed and implemented
715 pursuant to such standardized method shall allow the following
716 information to be recorded: (A) The date and time of the stop; (B) the
717 specific geographic location of the stop; (C) the unique identifying
718 number of the police officer making the stop, or the name and title of
719 the person making the stop if such person does not have a unique
720 identifying number; (D) the race, [color,] ethnicity, age and gender of
721 the operator of the motor vehicle [that] or pedestrian who is stopped,
722 provided the identification of such characteristics shall be based on the
723 observation and perception of the police officer responsible for
724 reporting the stop; (E) the nature of the alleged traffic violation or other
725 violation that caused the stop to be made and the statutory citation for
726 such violation; (F) the disposition of the stop including whether a
727 warning, citation or summons was issued, whether a search was
728 conducted, the authority for any search conducted, the result of any
729 search conducted, the statute or regulation citation for any warning,
730 citation or summons issued and whether a custodial arrest was made;
731 and (G) any other information deemed appropriate. The method shall
732 also provide for (i) notice to be given to the person stopped that if such
733 person believes that such person has been stopped, detained, interdicted
734 or subjected to a search [solely because of] on the basis, in whole or in
735 part, of such person's race, color, ethnicity, age, gender, sexual
736 orientation, religion or membership in any other protected class, such
737 person may file a complaint with the appropriate law enforcement

738 agency unless the police officer was required to leave the location of the
739 stop prior to providing such notice in order to respond to an emergency
740 or due to some other exigent circumstance within the scope of such
741 police officer's duties, and (ii) instructions to be given to the person
742 stopped on how to file such complaint unless the police officer was
743 required to leave the location of the stop prior to providing such
744 instructions in order to respond to an emergency or due to some other
745 exigent circumstance within the scope of such police officer's duties;

746 (2) To be used to report complaints pursuant to this section by any
747 person who believes such person has been subjected to a [motor vehicle]
748 traffic or pedestrian stop by a police officer [solely] on the basis, in whole
749 or in part, of race, color, ethnicity, age, gender, sexual orientation or
750 religion; and

751 (3) To be used by each municipal police department, the Department
752 of Emergency Services and Public Protection and any other department
753 with authority to conduct a traffic or pedestrian stop to report data to
754 the Office of Policy and Management pursuant to subsection (h) of this
755 section.

756 (c) Not later than [July 1, 2013] October 1, 2023, the Office of Policy
757 and Management, in consultation with the Racial Profiling Prohibition
758 Project Advisory Board, shall develop and implement guidelines to be
759 used by each municipal police department, the Department of
760 Emergency Services and Public Protection and any other department
761 with authority to conduct a traffic or pedestrian stop in (1) training
762 police officers of such agency in the completion of the form developed
763 and implemented pursuant to subdivision (1) of subsection (b) of this
764 section, and (2) evaluating the information collected by police officers of
765 such municipal police department, the Department of Emergency
766 Services and Public Protection or other department with authority to
767 conduct a traffic or pedestrian stop pursuant to subsection (e) of this
768 section for use in the counseling and training of such police officers.

769 [(d) (1) Prior to the date a standardized method and form have been
770 developed and implemented pursuant to subdivision (1) of subsection

771 (b) of this section, each municipal police department, the Department of
772 Emergency Services and Public Protection and any other department
773 with authority to conduct a traffic stop shall, using the form developed
774 and promulgated pursuant to the provisions of subsection (h) in effect
775 on January 1, 2012, record and retain the following information: (A) The
776 number of persons stopped for traffic violations; (B) characteristics of
777 race, color, ethnicity, gender and age of such persons, provided the
778 identification of such characteristics shall be based on the observation
779 and perception of the police officer responsible for reporting the stop
780 and the information shall not be required to be provided by the person
781 stopped; (C) the nature of the alleged traffic violation that resulted in
782 the stop; (D) whether a warning or citation was issued, an arrest made
783 or a search conducted as a result of the stop; and (E) any additional
784 information that such municipal police department, the Department of
785 Emergency Services and Public Protection or any other department with
786 authority to conduct a traffic stop, as the case may be, deems
787 appropriate, provided such information shall not include any other
788 identifying information about any person stopped for a traffic violation
789 such as the person's operator's license number, name or address.]

790 [(2)] (d) On and after the date a standardized method and form have
791 been developed and implemented pursuant to subdivision (1) of
792 subsection (b) of this section, each municipal police department, the
793 Department of Emergency Services and Public Protection and any other
794 department with authority to conduct a traffic or pedestrian stop shall
795 record and retain the information required to be recorded pursuant to
796 such standardized method and any additional information that such
797 municipal police department or the Department of Emergency Services
798 and Public Protection or other department with authority to conduct a
799 traffic or pedestrian stop, as the case may be, deems appropriate,
800 provided such information shall not include any other identifying
801 information about any person stopped for a traffic violation such as the
802 person's operator's license number, name or address.

803 (e) Each municipal police department, the Department of Emergency
804 Services and Public Protection and any other department with authority

805 to conduct a traffic or pedestrian stop shall provide to the Chief State's
806 Attorney and [the Office of Policy and Management] the Institute for
807 Municipal and Regional Policy at The University of Connecticut (1) a
808 copy of each complaint received pursuant to this section, and (2) written
809 notification of the review and disposition of such complaint. No copy of
810 such complaint shall include any other identifying information about
811 the complainant such as the complainant's operator's license number,
812 name or address.

813 (f) Any police officer who in good faith records traffic or pedestrian
814 stop information pursuant to the requirements of this section shall not
815 be held civilly liable for the act of recording such information unless the
816 officer's conduct was unreasonable or reckless.

817 (g) If a municipal police department, the Department of Emergency
818 Services and Public Protection or any other department with authority
819 to conduct a traffic or pedestrian stop fails to comply with the provisions
820 of this section, [the Office of Policy and Management shall recommend
821 and] the Secretary of the Office of Policy and Management may order
822 an appropriate penalty in the form of the withholding of state funds
823 from such municipal police department, the Department of Emergency
824 Services and Public Protection or such other department with authority
825 to conduct a traffic or pedestrian stop.

826 (h) [Not later than October 1, 2012, each municipal police department
827 and the Department of Emergency Services and Public Protection shall
828 provide to the Office of Policy and Management a summary report of
829 the information recorded pursuant to subsection (d) of this section.] On
830 and after [October 1, 2013] January 1, 2025, each municipal police
831 department, the Department of Emergency Services and Public
832 Protection and any other department with authority to conduct a traffic
833 or pedestrian stop shall provide to the [Office of Policy and
834 Management] Institute for Municipal and Regional Policy at The
835 University of Connecticut a monthly report of the information recorded
836 pursuant to subsection (d) of this section for each traffic or pedestrian
837 stop conducted, in a format prescribed by the [Office of Policy and

838 Management] Institute for Municipal and Regional Policy at The
 839 University of Connecticut, in consultation with the Racial Profiling
 840 Project Advisory Board. On and after January 1, [2015] 2025, such
 841 information shall be submitted in electronic form, and shall be
 842 submitted in electronic form prior to said date to the extent practicable.

843 (i) The [Office of Policy and Management] Institute for Municipal and
 844 Regional Policy at The University of Connecticut shall, within available
 845 resources, review the prevalence and disposition of traffic and
 846 pedestrian stops and complaints reported pursuant to this section,
 847 including any traffic stops conducted on suspicion of a violation of
 848 section 14-227a, 14-227g, 14-227m or 14-227n. Not later than July 1,
 849 [2014] 2026, and annually thereafter, the [office] institute shall report the
 850 results of any such review, including any recommendations, to the
 851 Governor, the General Assembly and any other entity deemed
 852 appropriate. The [Office of Policy and Management] Institute for
 853 Municipal and Regional Policy at The University of Connecticut shall
 854 make such report publicly available on the [office's] institute's Internet
 855 web site.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	46b-121s
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	46b-121n
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	PA 21-174, Sec. 13
Sec. 7	<i>from passage</i>	54-1l
Sec. 8	<i>from passage</i>	54-1m

APP Joint Favorable Subst.

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:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Correction, Dept.	GF - Cost	142,500	132,500
Policy & Mgmt., Off.	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 24 \$	FY 25 \$
Various Municipalities	Cost	Potential	Potential

Explanation

The bill makes various changes to laws on juvenile justice and police officer procedures resulting in the costs described below.

Section 1 requires law enforcement to refer children to a juvenile review board instead of arresting them. Juvenile Review Boards (JRB) are community-based service providers. The Department of Children and Families (DCF) currently funds 3 individual JRBs and 2 Administrative Service Organizations overseeing 46 other JRBs, on a contractual basis. It does not fund every JRB in Connecticut. Dependent on the capacity of the JRBs, increased referrals resulting from this legislation may result in increased costs to local governments and/or private organizations that operate these programs.

The bill does not establish any requirements that are specifically applicable to DCF's JRB funding. Available DCF funding for grants to JRBs would not be altered under the bill.

Section 4 requires the Department of Correction (DOC) to create,

develop, and implement a commissary implementation plan resulting in a cost of \$142,500 in FY 24 and \$132,500 in FY 25. To meet the requirements of the bill the DOC will implement a positive behavior intervention and supports (PBIS) system which will provide commissary funding to certain juvenile inmates for good behavior. The funding is needed to implement the program, train staff, and for software management and reporting.

Section 8 broadens the requirements of the Office of Policy and Management (OPM) to include standardized methods and guidelines for police departments for recording pedestrian stops. This does not result in a fiscal impact to OPM as it is expected that the agency can create these guidelines within current available resources.

Section 8 also transfers certain duties related to traffic stops and reported complaints from OPM to UConn's Institute for Municipal and Regional Policy. This does not result in a fiscal impact to OPM as it decreases the number of requirements the agency must fulfill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of referrals to JRB's and inflation.

OLR Bill Analysis**sHB 6888****AN ACT CONCERNING JUVENILE JUSTICE.**

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SUMMARY§ 1 — MANDATORY REFERRALS TO JUVENILE REVIEW BOARDS

Requires the police, rather than arresting children for certain offenses, to refer them to a juvenile review board to receive services under the community-based diversion system, with possible referral back to court if the child fails to meet the program's requirements

§ 2 — MANDATORY PREARREST DIVERSION PLAN

Establishes an implementation team to develop a mandatory prearrest diversion plan for low-risk children

§ 3 — JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE (JJPOC)

Expands JJPOC's membership by adding two people under age 26 and a community member with relevant experience; designates one of JJPOC's existing subcommittees as the "education subcommittee"; establishes the incarceration and community enterprise subcommittees; requires these subcommittees to help specified state agencies develop certain plans

§ 4 — DEPARTMENT OF CORRECTION COMMISSARY IMPLEMENTATION PLAN

Requires DOC to (1) in consultation with JJPOC's incarceration subcommittee, develop and submit a commissary implementation plan to JJPOC and (2) fully implement the plan by November 1, 2023

§ 5 — REENTRY SUCCESS PLAN

Requires CSSD, DCF, SDE, and DOC, by November 1, 2023, and in consultation with JJPOC's incarceration, community expertise, and education subcommittees, to develop a reentry success plan for youth released from DOC and the Judicial Department's facilities and programs

§ 6 — PLAN TO SECURELY HOUSE PERSONS UNDER AGE 18

Requires the judicial branch, by July 1, 2023, to begin reviewing and updating the existing implementation plan to securely house in the branch's custody anyone under age 18 who is arrested and detained

§§ 7 & 8 — RACIAL PROFILING

Prohibits police officers from engaging in racial profiling based, in "whole or in part," on a person's perceived racial or ethnic status; creates an exception when the officer is using

the person's status in combination with other information when looking for a specific suspect who fits that description

§ 8 — TRAFFIC AND PEDESTRIAN STOPS

Expands police traffic stop information recording and reporting requirements to include pedestrian stops; transfers certain reporting requirements from OPM to UConn's Institute for Municipal and Regional Policy; temporarily suspends certain reporting requirements

BACKGROUND

SUMMARY

This bill makes various changes to laws on juvenile justice, racial profiling, and pedestrian stops.

Among other things, the bill:

1. requires law enforcement agencies, rather than arresting a child for certain offenses (such as disorderly conduct), to refer them to a juvenile review board to receive services (§ 1);
2. establishes an implementation team to develop a mandatory prearrest diversion plan for low-risk children (§ 2);
3. expands the Juvenile Justice Policy and Oversight Committee's (JJPOC) membership by adding three new members (§ 3);
4. requires various state agencies, in consultation with designated JJPOC subcommittees, to develop a commissary implementation plan and a reentry success plan (§§ 3, 4 & 5);
5. requires the judicial branch, by July 1, 2023, to begin reviewing and updating the implementation plan developed pursuant to PA 21-174, § 13, to securely house in the branch's custody anyone under age 18 who is arrested and detained (§ 6);
6. prohibits police officers from engaging in racial profiling based, in "whole or in part," on a person's perceived racial or ethnic status, and creates an exception when the officer is using the person's status in combination with other information to seek a specific person (§ 7);

7. generally, expands police traffic stop information recording and reporting requirements to include pedestrian stops; transfers certain related requirements from the Office of Policy and Management (OPM) to UConn's Institute for Municipal and Regional Policy; and temporarily suspends certain reporting requirements (§ 8); and
8. makes minor, technical, and conforming changes and deletes obsolete provisions.

EFFECTIVE DATE: Upon passage, except the provision on required referrals to juvenile review boards is effective July 1, 2023 (§ 1).

§ 1 — MANDATORY REFERRALS TO JUVENILE REVIEW BOARDS

Requires the police, rather than arresting children for certain offenses, to refer them to a juvenile review board to receive services under the community-based diversion system, with possible referral back to court if the child fails to meet the program's requirements

Under existing law, there must be a community-based diversion system based on a plan the law requires JJPOC to develop. The bill specifies when certain children must be referred to the diversion system for services.

Under the bill, when a child commits any of four specified offenses, instead of arresting the child, the law enforcement agency must refer the child to a juvenile review board under the community-based diversion system. This applies when a child commits simple trespass, creating a public disturbance, 6th degree larceny, or disorderly conduct. The first two are infractions, the last two are class C misdemeanors.

Under the bill, the juvenile review board must require the child to receive prevention, intervention, and treatment services provided by a youth service bureau or community-based service provider. If the child does not successfully fulfill the bureau's or provider's requirements, the bill allows the juvenile review board to refer the child to court for delinquency proceedings.

Background

Juvenile Review Boards. Juvenile Review Boards are diversionary and prevention programs designed to help local police departments deal with juvenile offenders. They are usually composed of representatives of local youth service agencies, police departments, and the juvenile court.

Youth Service Bureaus. By law, municipalities, or private youth-serving organizations acting as their agents, may establish a youth service bureau to evaluate, plan, coordinate and implement services, including prevention and intervention programs for delinquent, predelinquent, and troubled youths referred to the bureaus by schools, police, juvenile courts, adult courts, local youth-serving agencies, parents, and self-referrals. Under the law, a youth service bureau must be the coordinating unit of community-based services to provide comprehensive delivery of prevention, intervention, treatment, and follow-up services (CGS § 10-19m).

§ 2 — MANDATORY PREARREST DIVERSION PLAN

Establishes an implementation team to develop a mandatory prearrest diversion plan for low-risk children

Implementation Team

The bill establishes an implementation team and requires it to (1) develop a plan for mandatory prearrest diversion of low-risk children and (2) in doing so, consider stakeholder input, including from children, families, and law enforcement officials.

The implementation team must include (1) the commissioners of the departments of Children and Families (DCF), Education (SDE), and Correction (DOC), or their designees; (2) the judicial branch's Court Support Services Division's (CSSD) executive director, or the executive director's designee; and (3) representatives of local and regional boards of education, appointed by the JJPOC chairpersons.

The Plan

By July 1, 2024, the implementation team must develop a plan for automatic prearrest diversion of children to the community-based diversion system or other community-based providers instead of arrest for first or second offenses. The bill specifies that this includes offenses such as 2nd degree breach of peace and 5th degree larceny (both class B misdemeanors).

The bill requires the implementation team, when developing the plan, to consider and include data on prearrest diversionary measures implemented pursuant to the community-based diversion system (including the mandatory referrals in § 1 described above).

The plan must also consider:

1. the capacity of youth service bureaus and other local agencies who will provide services to children diverted under the plan,
2. accountability mechanisms to measure success of these services,
3. processes for victim input and involvement,
4. data collection to track referrals of diverted children to youth service bureaus,
5. communication and outreach strategies to stakeholders for the purpose of accessing local services,
6. dates to fully implement the plan, and
7. any other considerations the team finds necessary for the plan's successful implementation.

Plan Submission and Report on Findings

By July 1, 2024, the implementation team must submit the plan for automatic prearrest diversion of children and report its findings and recommendations to JJPOC. The implementation team must terminate on the date it submits its report or January 1, 2025, whichever is later.

§ 3 — JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE (JJPOC)

Expands JJPOC's membership by adding two people under age 26 and a community member with relevant experience; designates one of JJPOC's existing subcommittees as the "education subcommittee"; establishes the incarceration and community enterprise subcommittees; requires these subcommittees to help specified state agencies develop certain plans

Membership

The bill adds three people to JJPOC's membership as follows:

1. two children, youths, or young adults under age 26 with lived experience in the juvenile justice system and
2. one community member, who may be a family member of a child who has been involved with the juvenile justice system or a credible messenger with lived experience in the system and who works with youth in the system.

These new members must be nominated by the community expertise subcommittee (see below) and appointed by the committee's chairpersons. The chairs must each appoint one of the new members under age 26, and together they must appoint the other new member.

Subcommittees

Education. Current law required JJPOC to convene a subcommittee to, generally, develop a detailed plan on the coordination and oversight of all educational services and programs for children in justice system custody and the provision of education-related transitional support services for their return to the community. The bill specifically names this the education subcommittee and adds to its purpose by requiring it to also fulfill tasks, as directed by the committee, and consult in developing the reentry success plan (see § 5 below).

Incarceration and Community Expertise. The bill requires JJPOC to appoint people to an incarceration subcommittee and a community expertise subcommittee to help develop a reentry success plan (see § 5 below) and fulfill other tasks, as the committee directs. The incarceration subcommittee must also help develop a commissary implementation plan (see § 4 below).

§ 4 — DEPARTMENT OF CORRECTION COMMISSARY IMPLEMENTATION PLAN

Requires DOC to (1) in consultation with JJPOC's incarceration subcommittee, develop and submit a commissary implementation plan to JJPOC and (2) fully implement the plan by November 1, 2023

By July 1, 2023, the bill requires DOC, in consultation with JJPOC's incarceration subcommittee the bill creates, to develop and submit a commissary implementation plan to JJPOC.

The plan must provide for the following regarding youths in DOC facilities:

1. an integrated positive behavior motivation system to engage and reinforce positive youth behaviors and expectations that can be used to pay for commissary goods in place of money;
2. revised commissary policies and procedures to include the development and implementation of these motivation policies and procedures;
3. increased incentives to promote good health and recognize a diverse range of ethnic groups, races, sexes, and cultural backgrounds;
4. identification of youth within the institution that do not have equitable access to the commissary (see below) and strategies to implement equitable access;
5. provision of menstrual products as required by law;
6. transition of saved commissary allocations, including how associated saved funds can be transitioned and accessed when a youth is transferred to an adult facility;
7. ongoing training and assistance, such as that provided through the Capitol Region Education Council's Positive Behavioral Intervention and Supports;

8. a continuous quality improvement system for the plan's ongoing implementation; and
9. biannual surveys or focus groups to get feedback from youth in DOC facilities on (a) ways to improve DOC's system and (b) the plan's implementation.

The bill requires DOC to immediately implement procedures for more equitable commissary options for youth within the institution that do not have equitable access to the commissary, including those who are indigent, without family support, or with disabilities that contribute to lack of access. DOC must fully implement the plan by November 1, 2023.

§ 5 — REENTRY SUCCESS PLAN

Requires CSSD, DCF, SDE, and DOC, by November 1, 2023, and in consultation with JJPOC's incarceration, community expertise, and education subcommittees, to develop a reentry success plan for youth released from DOC and the Judicial Department's facilities and programs

By November 1, 2023, the bill requires the CSSD executive director and the DCF, SDE, and DOC commissioners, or their designees, in consultation with JJPOC's incarceration, community expertise, and education subcommittees, to develop a reentry success plan for youth released from DOC and the Judicial Department's facilities and programs. The CSSD executive director and the DCF, SDE, and DOC commissioners, or their designees, must report the plan to JJPOC by January 1, 2024.

Purpose

Under the bill, the plan's purpose is to successfully reintegrate youth into their communities. In developing the plan, the executive director and commissioners, or their designees, in consultation with the specified subcommittees, must consider all aspects deemed necessary to successfully implement the plan, including:

1. reentry models and best practices around the country, including reentry hubs, community-based, enhanced reentry wraparound services, and transitional housing; and

2. expansion of community reentry roundtables and welcome centers that focus on youth.

Principles and Frameworks

Under the bill, the plan must also incorporate restorative and transformative justice principles and include a quality assurance framework.

Restorative and Transformative Justice Principles. These principles must include the:

1. provision of individualized academic support and the role of school districts in ensuring the provision of academic, vocational, and transition support services;
2. connection of youth to vocational and workforce opportunities and developmentally appropriate housing;
3. delivery of trauma-informed mental health and substance use treatments;
4. development of restorative justice reentry circles;
5. use of credible messengers as mentors or transition support providers; and
6. role of reentry coordinators.

Quality Assurance Framework. The plan must also include a proposed quality assurance framework, including the collection of appropriate data, promulgation of a public dashboard, and monitoring framework to ensure the successful discharge and reentry of incarcerated youth.

Funding Sources Information

Additionally, the plan must include information on federal and state funding sources supporting a comprehensive reentry model and the identification of implementation priorities and appropriate timelines.

§ 6 — PLAN TO SECURELY HOUSE PERSONS UNDER AGE 18

Requires the judicial branch, by July 1, 2023, to begin reviewing and updating the existing implementation plan to securely house in the branch's custody anyone under age 18 who is arrested and detained

Plan Review and Update

PA 21-174, § 13, required the judicial branch to develop an implementation plan to securely house in its custody anyone under age 18 who is arrested and detained prior to sentencing or disposition, starting in 2023.

By July 1, 2023, the bill requires the judicial branch to begin reviewing and updating this plan. In the update, the branch must include provisions for the full and final transition of all children from DOC into the branch's care and custody. The updated plan must include a phased-in timetable for full implementation and estimated costs for each phase.

Submission of Updated Plan and Recommendations

By December 15, 2023, the bill requires the judicial branch to submit the updated implementation plan, along with any recommendations for legislation, funding, or policy changes, to the Judiciary Committee and JJPOC.

§§ 7 & 8 — RACIAL PROFILING

Prohibits police officers from engaging in racial profiling based, in "whole or in part," on a person's perceived racial or ethnic status; creates an exception when the officer is using the person's status in combination with other information when looking for a specific suspect who fits that description

The law prohibits members of the State Police, municipal police departments, and any other law enforcement agency from engaging in racial profiling. Under current law, "racial profiling" is the detention, interdiction, or other disparate treatment of an individual solely based on his or her racial or ethnic status.

The bill broadens this law's applicability by generally prohibiting police officers from doing these actions based in whole or in part, rather than solely, on the person's racial or ethnic status. It also specifies that the determination is based on the person's perceived racial or ethnic status.

The bill creates an exception by allowing police officers to take these actions when the perceived racial or ethnic status is used in combination with other information when the officer is seeking to apprehend a specific suspect whose racial or ethnic status is part of the suspect's description.

It also makes technical and conforming changes in line with the new definition, including conforming changes in the laws governing police traffic and pedestrian stops.

§ 8 — TRAFFIC AND PEDESTRIAN STOPS

Expands police traffic stop information recording and reporting requirements to include pedestrian stops; transfers certain reporting requirements from OPM to UConn's Institute for Municipal and Regional Policy; temporarily suspends certain reporting requirements

Updated Prohibition on Racial Profiling

Under current law, municipal police departments, the Department of Emergency Services and Public Protection (DESPP), and other departments that include or oversee police officers (hereinafter, "police departments"; see *Background*) must adopt a written policy prohibiting stopping, detaining, or searching anyone solely motivated by consideration of race, color, ethnicity, age, gender, or sexual orientation. The bill broadens this to also apply to pedestrian stops (see below) and makes this prohibition apply to traffic or pedestrian stops or searches motivated, in part or in whole, on any of these attributes, with a similar exception as noted above. Specifically, the policies are not required to prohibit the consideration of these factors in combination with other identifying factors when trying to find and apprehend a specific suspect whose race, color, ethnicity, age, or gender is part of the suspect's description.

It also removes the provision that requires the policy to consider any violation of this traffic stop policy to be a civil rights violation.

Under the bill, a "pedestrian stop" is a detention of a pedestrian by a police officer, not associated with a call for service, that results in a citation, an arrest, a frisking, or search of the pedestrian's body or

property. It does not include a detention for routine searches done at a point of entry or exit from a controlled area or an arrest or search pursuant to a warrant issued by a Superior Court judge.

Data Recording and Method

By law, police departments must (1) record, retain, and report traffic stop information; (2) use OPM's standardized method and form to do so (see below); and (3) give copies of, and disposition information about, traffic stop-related complaints to OPM and the chief state's attorney. The bill broadens these requirements to include similar information on pedestrian stops; and requires that information about complaints be sent to UConn's Institute for Municipal and Regional Policy instead of OPM.

Immunity From Civil Liability

Existing law protects police officers who record traffic stop information in good faith from civil liability, unless their conduct in doing so is unreasonable or reckless. The bill extends this protection to officers who record pedestrian stop information under these same conditions.

OPM's Standardized Method and Guidelines for Collecting and Reporting Information on Traffic and Pedestrian Stops

Current law required OPM, by July 1, 2013, to develop and implement a standardized method and guidelines for police departments to collect and record traffic stop information. OPM had to do so within available resources and in consultation with the Racial Profiling Prohibition Project Advisory Board and the Criminal Justice Information System Governing Board.

The bill requires that by October 1, 2023, OPM develop and implement these standardized methods and guidelines for the collection and recording of information on pedestrian stops, not just traffic stops.

Under the standardized method, current law requires the police to record specific information during traffic stops, such as the motor vehicle operator's race, color, ethnicity, age, and gender. The bill

generally requires the same information to be recorded during pedestrian stops, but it eliminates the requirement to record the color of the operator or pedestrian.

Among other things, current law's standardized method requires that a notice be given to drivers during traffic stops, advising them of their right to file a complaint if they believe the stop was solely due to specified factors (e.g., race, gender, or age). The bill also applies this to pedestrian stops. For either type of stop, it instead requires that the notice advise the person of their right to file a complaint if he or she believes that the officer acted, in whole or in part, based on any of the listed attributes, not just solely on that basis.

The bill similarly requires OPM, by October 1, 2023, and in consultation with the Racial Profiling Prohibition Project Advisory Board, to incorporate pedestrian stops into its guidelines for (1) training police officers on how to complete the standardized form and (2) evaluating the information that the officers collect for use in this training.

The bill eliminates an obsolete provision on the recording and retention of traffic stop information before OPM's standardized method was developed and implemented.

OPM's Oversight

Current law authorizes the OPM secretary to order an appropriate penalty in the form of withholding state funds from departments that fail to comply with requirements to collect traffic stop information. The bill authorizes OPM to do the same if a department does not comply with the requirements as they relate to pedestrian stops.

Monthly Report on Recorded Information

Current law requires police departments to report monthly to OPM the information recorded for each traffic stop carried out, in a format prescribed by OPM.

The bill suspends this requirement until January 1, 2025. Starting then, it requires departments to (1) include information from pedestrian stops and (2) submit this monthly report to UConn's Institute for Municipal and Regional Policy. Under existing law, unchanged by the bill, the information must be submitted in electronic form.

The bill also deletes an obsolete provision on a reporting requirement that was due by October 1, 2012.

Annual Report on Prevalence and Disposition of Traffic and Pedestrian Stops

The bill transfers, from OPM to UConn's Institute for Municipal and Regional Policy, the duties to (1) within available resources, review the prevalence and disposition of traffic stops and reported complaints; (2) annually report this information to the governor, General Assembly, and other entities deemed appropriate; and (3) make the report available on its website.

The bill expands the scope of the review and report to include pedestrian stops. It also temporarily suspends the annual reporting requirement by making the next report due by July 1, 2026.

Background — Departments With Authority to Conduct Stops

By law, the above requirements and prohibitions on traffic stops apply to state and municipal police and other departments that include or oversee police officers. (The bill extends these requirements to pedestrian stops.) Under existing law, "police officers" for these purposes specifically include the following, and also others with similar arrest or traffic authority as the state or local police:

1. special policemen appointed by the DESPP commissioner for state property;
2. special policemen or state policemen enforcing traffic regulations at Department of Mental Health and Addiction Services or DCF facilities;
3. policemen appointed by DESPP for a utility or transportation

- company;
4. the motor vehicles commissioner, deputy commissioners, and designated salaried inspectors (who are authorized, by law, to enforce motor vehicle statutes and regulations);
 5. State Capitol Police officers;
 6. UConn and Connecticut State University system police;
 7. state police enforcing traffic regulations at the Department of Veterans Affairs in Rocky Hill; and
 8. fire police (who, by law, have powers over traffic control and regulation).

BACKGROUND

Legislative History

The House referred the bill (File 622) to the Appropriations Committee, which reported a substitute eliminating provisions in the underlying bill appropriating unspecified funds from the General Fund to (1) OPM to assist with the three new JJPOC members and (2) DOC to fully implement the bill's required commissary implementation plan.

Related Bills

sSB 953 (File 599), reported favorably by the Judiciary Committee, makes similar changes to the definition of "racial profiling" and conforming changes to the traffic stop-related provisions.

HB 6902, reported favorably by the Appropriations Committee, expands the services provided by youth service bureaus, requires these bureaus in municipalities under a certain population, and requires the DCF commissioner and the chief court administrator, in consultation with the Consultation Center at Yale, to develop a new diversion program ("Diversion First") to divert from the juvenile justice and court system juveniles who (1) have committed a first or second criminal offense, (2) have been charged with a minor criminal offense, or (3) are chronically absent from school.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 25 Nay 12 (03/30/2023)

Appropriations Committee

Joint Favorable Substitute

Yea 38 Nay 13 (05/01/2023)