

Juvenile Justice Policy and Oversight Committee

February 18th, 2021

2pm-4pm

Zoom Meeting

Opening Remarks

- Roll Call
 - Identify Voting (*) vs. Non-Voting Members
- Meeting facilitation
 - Meeting is being recorded
 - Remain “muted” on Zoom, unless speaking
 - Refrain from interrupting with comments or questions until each presenter is finished speaking
 - Questions and Comments will be limited to JJPOC members
 - Use the “Chat” and “Hand Raising” feature so TYJI can help monitor and facilitate the meeting

Opening Remarks

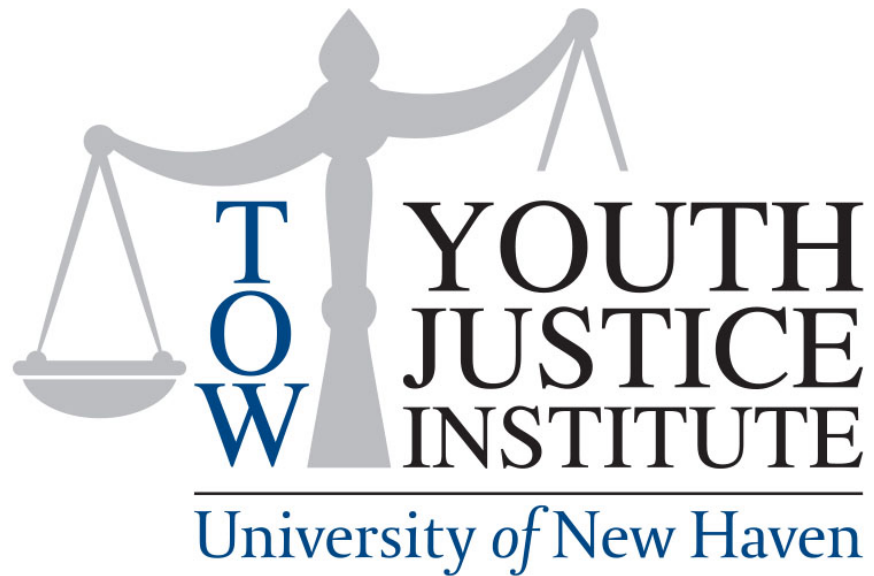
- Diversion Workgroup Co-Chair
 - **Welcome** Dr. Linda Dixon, DCF Administrator, Transitional Supports and Success Division

Meeting Overview

- Voting Process
 - A quorum of 21 JJPOC members must be present
 - Appointed authority OR Designee of JJPOC Membership will vote
 - A vote by hand for each recommendation within the Workgroups
 - To raise your hand:
 - By Desktop Zoom App: Click “Participants” icon at the bottom of your screen, then click “Raise Hand”
 - By Zoom Mobile App: Click “More” tab, then click “Raise Hand”
 - By Phone: dial *9
 - Consensus shall be reached through a simple majority of members voting “yea

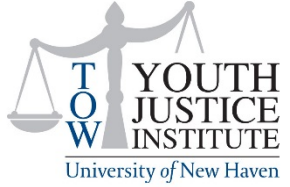
Meeting Overview

- Proposed 2021 JJPOC Recommendations for Discussion and Adoption
 - 2020 and 2021 Education Recommendations
 - Executive Recommendation
 - IOYouth Recommendations



***2020-2021 Proposed
Education
Recommendations***

Education Workgroup Background Information



- Connecticut passed PA 15-96 in 2015, banning suspensions and expulsions of children in Preschool through 2nd grade.
- The Connecticut State Department of Education delivered the following report in February 2020 to the state board of education the *2018-2019 Report on Student Discipline in Connecticut Public Schools*. It reported that:
 - Total number of in-school and out-of-school suspensions has declined over the past five years by 17.4 and 13.3 percent, respectively. Incidents coded as school policy violations declined 28.5 percent over the past five years and now account for 46 percent of all incidents – down from 59 percent five years ago.

Disparities in Suspension Rates

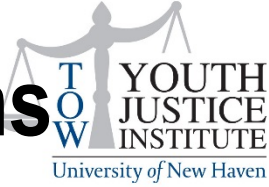
- Large disparities remain in suspension rates between Black/African American and Hispanic/Latin students and their white counterparts. While one out of every 25 white students received at least one suspension, one out of every seven Black/African American students and one out of every 10 Hispanic/Latino students experienced the same sanction.
- Black/African American and Hispanic/Latino students who receive a suspension or expulsion are involved in more than one incident during the school year at a greater rate than their white peers.
- In three of four cases, Black/African American students were more likely to receive a more severe sanction (i.e., OSS or Expulsion) for similar behavior than both Hispanic/Latino and white students. Hispanic/Latino students were more likely to receive a more severe sanction than white students in two of the four cases.

Disparities in Suspension Rate

- Most recent data shows the following:
 - At the elementary school level **Percentage of Students Receiving at least 1 ISS/OSS/EXP in 2018-19 was highest for black children (6.0%) within Pre-K through 5th grade.**

Student Group	Percent of Total
Female	1.0%
Male	3.5%
American Indian or Alaska Native	4.1%
Asian	0.4%
Black	6.0%
Hispanic	2.9%
Native Hawaiian or Other Pacific Islander	*
Two or More Races	2.8%
White	1.2%
Total	2.3%

2021 Education Recommendation – School Suspensions



- JJPOC recommends:
 - A. An amendment to Public Act 15-96 sec. 10-233a-i “ban suspension and expulsion of children in preschool through grade two,” ***to expand to twelfth grade with a phased-in plan consisting of:***
 1. **Preschool through second grade with an implementation plan to be delivered by January 2022 with an effective date of July 2022**
 - B. The amendment shall include elimination of “violent or sexual nature” and replace with only those exceptions required by federal law to be effective by July 2022.
 - C. **No later than 2023**, the implementation committee shall identify the phased-in plan and effective date for the following grades:
 1. **Third grade through eighth grade**
 2. **Ninth grade through twelfth grade**

2021 Education Recommendation – School Suspensions



C. An implementation committee shall be established and chaired by Steven Hernandez, Executive Director, Commission on Women, Children, Senior, Equity & Opportunity and Chair of the Social Emotional Collaborative and Fran Rabinowitz, Executive Director CT Association of Public School Superintendents and work collaboratively with CT School Discipline Collaborative and the JJPOC Education Committee Chairs. The implementation committee will include representation of the

- Connecticut State Department of Education,
 - representation from the State Board of Education Accountability and Support Committee,
 - Head of Superintendents Association, Parent Representation or Chair from Special Education Advisory Committee,
 - Representative from Disability Rights Connecticut,
 - Special Education Equity for Kids in CT (SEEK-CT),
 - Children Health Development Institute, Center for Children’s Advocacy, and Connecticut Youth Services Bureau Association.
- The implementation committee shall provide an update on the progress of the development of the plan to the JJPOC and Education and Children’s Committees by January, 2022 with an effective date of July 2022

2021 Education Recommendation – School Suspensions

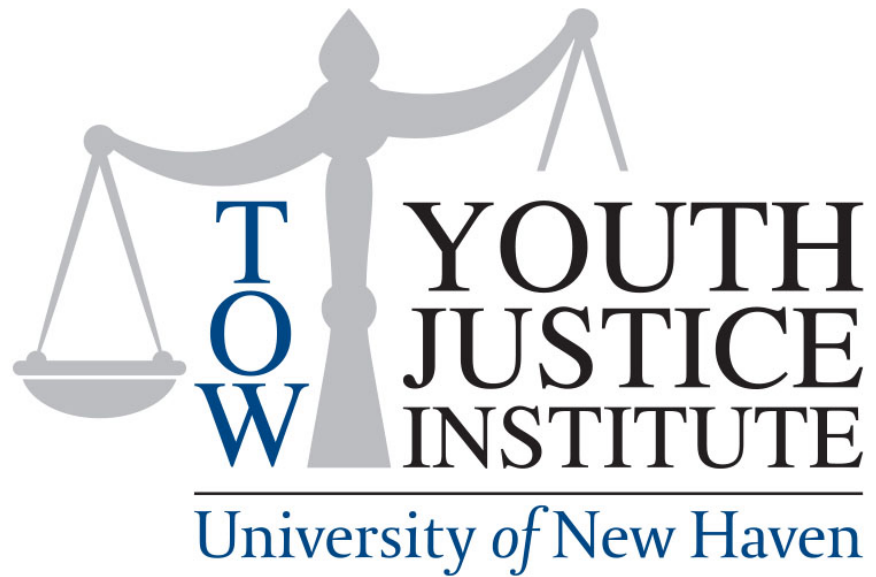
E. The implementation plan shall identify:

1. Phase-in plan as noted in A-C of the recommendation
2. Funding and timeline
3. Include district by district data needs, data perimeters, and reports.
4. training for school personnel;
5. implementation of alternative in-school disciplinary practice, strategies and intervention to support students and school staff
6. should include exploration of models for therapeutic settings in schools where students who cannot remain in the classroom can be placed, as well as the procedures for doing so.
7. family engagement;
8. screening for health and mental health concerns; and
9. strengthening connections to community-based services and supports including trauma-informed mental health interventions

F. SDE shall be adequately funded and resourced to accommodate for its expansion as outlined in the implementation plan. The implementation plan should include exploration of models for therapeutic settings in schools where students who cannot remain in the classroom can be placed, as well as the procedures for doing so.

2021 Education Recommendation – School Suspensions

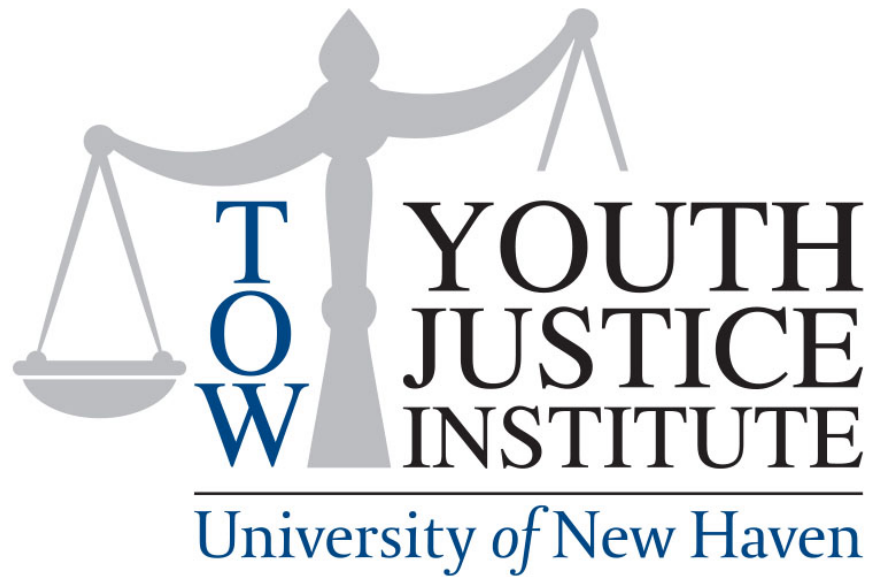
- CSDE alternative offered,
 - Recommend that the CSDE work with the CT School Discipline Collaborative and engage the State Board of Education Accountability and Support Committee to complete the following:
 - Research other states that have eliminated suspensions and/or expulsions in specific grade bands or ages (above grade 2) to identify the impact of such changes and the infrastructures in place to support students and school staff;
 - Collect and analyze data from Connecticut school districts that have demonstrated improvements in reducing exclusionary discipline and disproportionality, to identify successful practices, policies and system implementation; and
 - Investigate the root causes of the use of exclusionary discipline in districts with high numbers of exclusionary discipline to address prevention and intervention strategies.



Discussion

2021 Education Recommendation – 911/211 Data Collection

- A. A pilot program be designed to review 911 calls from the 10 Opportunity School Districts (Hartford, Bridgeport, Waterbury, New Haven, East Haven, Derby, Norwich, New London, East Hartford, New Britain) to their local 911 jurisdictions in an effort to better understand for districts' utilization of police. Data should include: de-identified data related to the demographics of child, including age, gender, race, and disability classification, similar to the existing documentation for other emergency interventions, such as restraint and seclusion, already codified in statute and regulation and the circumstances leading to less restrictive alternatives considered (if available). JJPOC and TYJI should partner to create an MOU with each 911 jurisdiction to receive, review, and analyze these data.
- B. JJPOC should collaborate with CHDI to review similar data collected on 211 calls made by public schools.
- C. All data analyses should be submitted for review by the JJPOC Education Committee on a bi-annual basis.

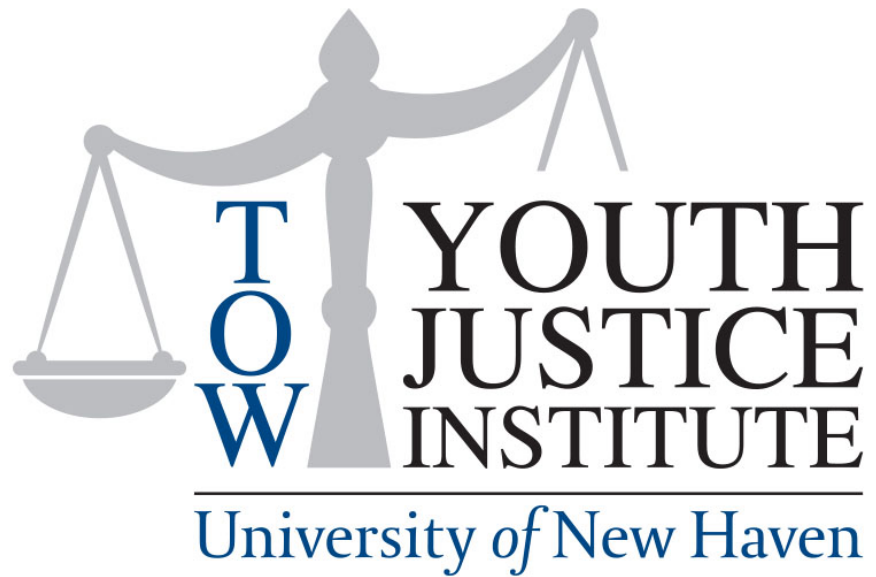


Discussion

Revised 2020 Education Recommendations

- Summary of Changes:
 - Administrative body → A unit within DCF
 - Youth in juvenile justice out-of-home placement → Youth in all juvenile justice facilities
 - Addition of Youth and Community Representatives on Implementation Team
 - Removal of advisory board
 - “Will” → “May” in Section 2A Transition Specialists

- Education Committee Suggestion: Define “juvenile justice facilities”

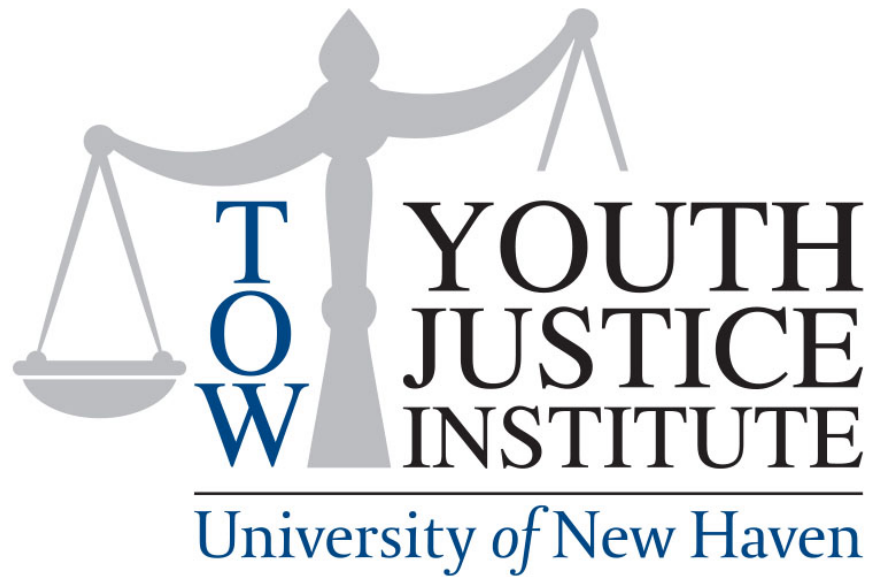


Discussion

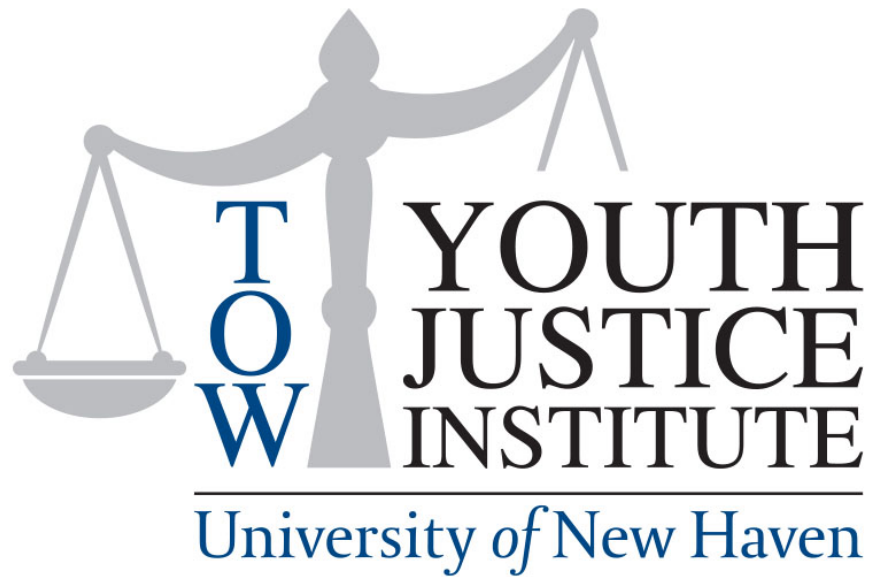
Executive Committee Recommendation

- A. An amendment to PA14-217 sec. 79 to expand the purview of the Juvenile Justice Policy and Oversight Committee to evaluate justice system policies for the under 21 year old population.

*Additional language to be added: “for purposes research and data collection to inform policy”

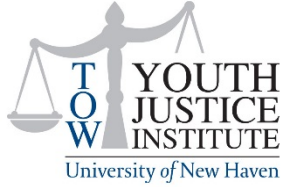


Discussion



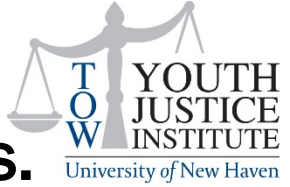
IO Youth Recommendations

Alternatives to Arrest Recommendation Background



- Research demonstrates that:
 - Court involvement for low-risk youth often does more harm than good and takes limited resources away from focusing interventions on youth whose behavior poses a public safety risk.
 - Most low-risk youth grow out of their behavior and stop reoffending without system intervention.
 - Diversion is a more cost-effective public safety strategy than court processing for low-risk youth.
- Diversion is an effective solution to directly address racial and ethnic disparities in the juvenile justice system and promote equity. Research shows that disparities occur when law enforcement, court officials or other practitioners use their discretion differently when dealing with individuals of different racial and ethnic backgrounds.
- By making diversion automatic for certain low-level offenses, youth are held accountable in a similar manner.

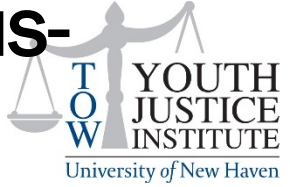
Data from the IOYouth assessment process identified the following challenges that are addressed through these proposed policy changes.



- While there has been a significant decrease in delinquency referrals in Connecticut over the last several years, disproportionality in referrals has remained the same. The rate at which Hispanic youth are referred to juvenile court is 2.2 times higher than that of white youth and the rate for non-Hispanic Black youth is 4.8 times higher than that of white youth.
- In 2018, 5 low-level offenses (Breach Peace, 2nd Degree, Larceny, 6th Degree, Disorderly Conduct, Interference w/Officer/Resisting Arrest, Possession Controlled Substance or > .5 oz. of Cannabis) represented 55% of all misdemeanor referrals to juvenile court, and these same offenses represented nearly 60% of all first-time misdemeanor referrals.
- Additionally, 66% of all infraction and violation referrals were for 3 behaviors – simple trespass and use and possession of less than .5 ounce of cannabis or drug paraphernalia.
- At the same time, 40% of first-time infraction referrals and 40% of first-time misdemeanor referrals were disposed to non-judicial supervision.

Based on the research, these youth should be able to access services and be held accountable through other systems outside of the juvenile justice system, prior to arrest and court involvement.

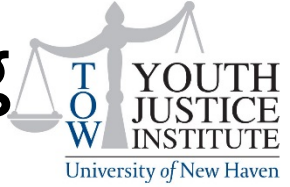
In July, the IOYouth Task Force approved a set of consensus-based recommendations.



1. Re-define commonly charged, low-level offenses with the goal of decriminalizing specific adolescent behaviors that are better addressed through other service systems and/or community organizations
 - A. In statute, re-define commonly charged offenses including but not limited to disorderly conduct (53a-182), breach of peace (53a-181), and drug/paraphernalia possession with the goal of decriminalizing specific adolescent behaviors that are better addressed through other service systems and/or community-based organizations
 - B. Determine whether, and if so, what type of process to institute (e.g. civil citation) whereby law enforcement can formally refer these youth for services through a YSB/JRB or other diversion service mechanism rather than an arrest/court referral.
 - i. Require law enforcement to track/report these referrals as well as to report on related offenses to ensure youth are not increasingly arrested for similar, or potentially more serious, offenses.

Following the first IOYouth Implementation Committee meeting, several individuals worked together to flesh out this recommendation and translate it into a legislative proposal for the Tri-Chairs', and ultimately the JJPOC's, consideration.

Many of the recommended changes are already happening in practice through the current diversion process.



- Through the current community-based diversion system, youth committing violations/infractions and first- and second-time low-level misdemeanor offenses are already being referred by law enforcement to the JRB in lieu of an arrest, or by the juvenile court in place of court involvement.
- JRBs include as its foundation a restorative justice process designed to help repair harm and restore relationships, and the entire process is done collaboratively with the family and youth.
- Most diversion cases are successful (over 80%), but in the event a contract is not completed, the case is referred back to the referral agency to determine next steps.

RECOMMENDATION



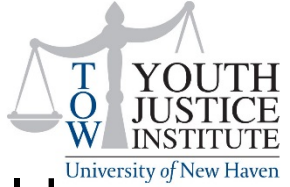
- TIER 1 - Beginning January 1, 2022, the following behaviors would be decriminalized and **removed from juvenile court jurisdiction** while still allowing law enforcement, schools and other systems to refer youth to a Youth Service Bureau (YSB) or other local agency in lieu of an arrest:
 - (1) Simple Trespass
 - (2) Creating a Public Disturbance
 - (3) Possession of cannabis-type substance (under .5 ounce only)
 - (4) Use/Possession/Delivery of drug paraphernalia (related to .5 ounce of cannabis-type substance)

NOTE: This is similar to the prior removal of FWSN behavior from juvenile court jurisdiction effective 6/30/20 (PA19-187)

Items for Discussion and In Need of Consensus:

- Effective date – push it back to provide for additional time for implementation activities, including formalizing a tracking system so that youth who commit continued behaviors can be identified and connected with more intensive services, education and training for law enforcement and, development of monitoring plan to evaluate progress?
- Keeping disorderly conduct without an identified victim or act of violence in Tier 1, or moving all disorderly conduct to Tier 2?

RECOMMENDATION



- TIER 2 – A multi-agency and cross-branch implementation committee would be created in legislation to develop a plan, with youth, family, law enforcement, and stakeholder input, for ***mandatory pre-arrest diversion*** to a YSB or other local agency for ***first or second time low-level misdemeanor*** offenses, including:
 - (1) Breach of Peace 2nd
 - (2) Disorderly Conduct
 - (3) Larceny 5th and 6th
 - (4) Possession of cannabis-type substance (more than .5 ounce)
 - (5) Use/Possession/Delivery of drug paraphernalia (more than .5 ounce)

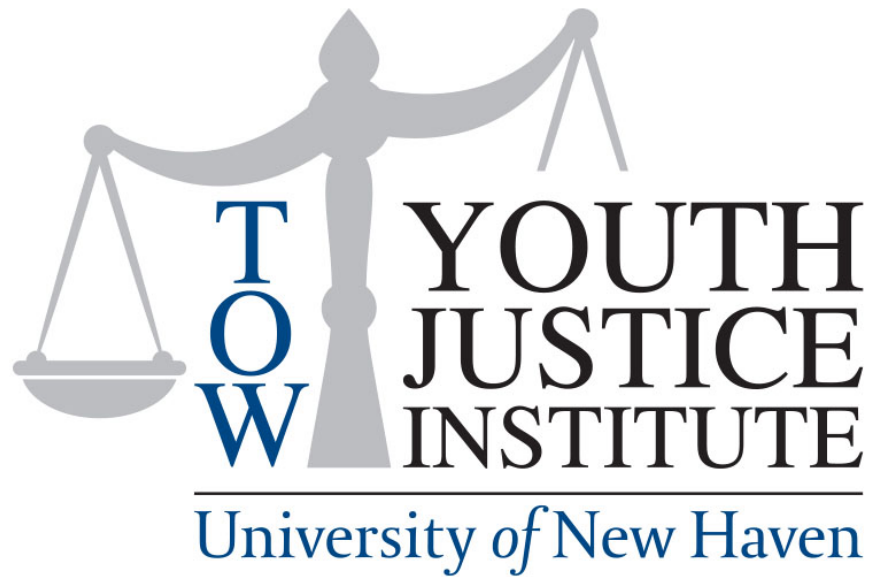
- The committee would be required to submit an implementation plan to the General Assembly by January 1, 2022 for mandatory pre-arrest diversion of first or second-time Tier 2 offenses, which plan would include:
 - (1) Capacity of YSBs and other local agencies to provide services for this population
 - (2) Accountability mechanisms
 - (3) Process for victim input and involvement
 - (4) Data collection for tracking YSB referrals
 - (5) Communication and outreach to stakeholders on accessing local services
 - (6) Proposed effective date for full Tier 2 implementation
- The implementation plan shall be approved and adequately funded and resourced to accommodate these changes.

Note: Many of the behaviors in both Tier 1 and Tier 2 are ***already*** diverted to YSBs and/or handled non-judicially when referred to court, but this recommendation would **standardize the process across jurisdictions, allow services to be provided *pre-arrest v. post-arrest*, and address disparities.**

Items for Discussion and/or In Need of Consensus:

-Including second time referrals?

-Including the offenses to be considered or leaving that piece to be part of the implementation committee's charge to determine which offenses are included?



Discussion

IO Youth Recommendation- Consolidating Services in the Judicial Branch for the pretrial under-18 youth population currently housed in DOC

A. Section 1. (NEW) (*Effective from Passage*) Not later than January 1, 2022, the Judicial Branch shall develop and submit in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters related to the judiciary and to the Juvenile Justice Planning and Oversight Committee established pursuant to section 46b-121n of the general statutes, an implementation plan to securely house in the custody of the Judicial Branch any person under eighteen years of age who is arrested and detained prior to sentencing or disposition on or after January 1, 2023. The plan shall include cost estimates and recommendations for legislation as may be necessary or appropriate for implementation.



**Recommended Action
Plan**

**Consolidating services for
under-18 Pretrial Youth
with Cases Pending in
Adult Court
from DOC to the Judicial
Branch**

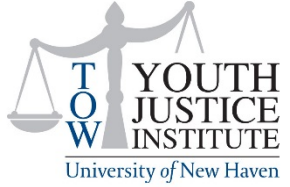
Planning for Capacity

- Judicial is estimating that we will need additional daily capacity for 45-50 pretrial youth who have cases pending in adult court
 - Mostly males - a small number of females
- DOC average length of stay for this population in FY 20 was 140 days, considerably longer than the average juvenile pretrial length of stay of 14-21 days.
- In order to accommodate the transferred youth, the current REGIONS populations must be moved to contracted community-based programs. Approximately 30-40 REGIONS secure treatment beds for boys will be needed.

Providing Capacity

- Adult system pretrial transferred youth will be served in the state-run Residential Centers in Hartford and Bridgeport.
 - Dependent upon relocating current REGIONS youth from the Hartford and Bridgeport Residential Centers to secure community based facilities.
 - Current Secure capacity in the community is 8 (CPA REGIONS Secure Hamden)
 - Capacity will increase to 16 by September - December 2021 (CPA REGIONS Secure Hamden)
 - Capacity will increase to 28 between September - December 2022 (2nd REGIONS Secure Hartford)
 - Judicial is also examining the feasibility of adding additional capacity in the shuttered New Haven Juvenile Detention Center located at 239 Whalley Ave., New Haven (dependent upon funding)
- The facility will need to be re-furbished but not extensively renovated
- Capacity will be 12 single rooms

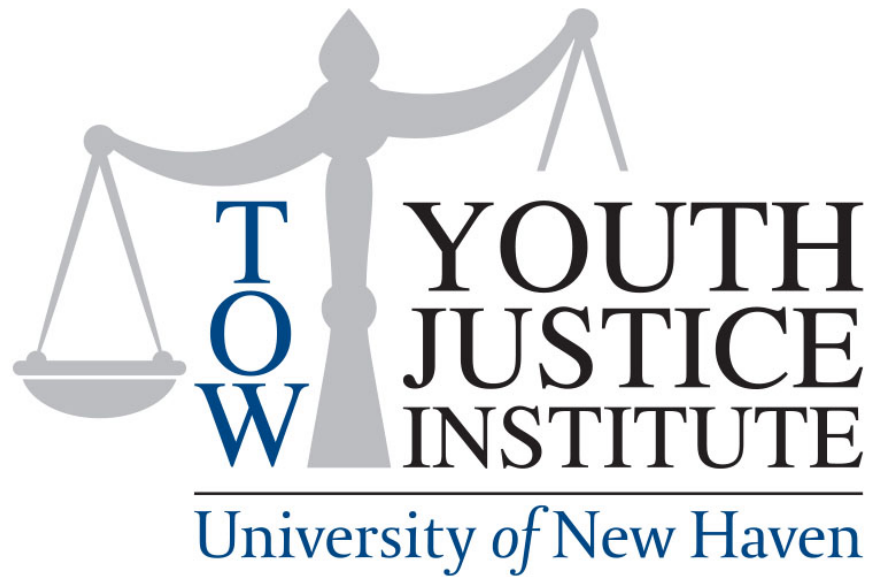
Background Assumptions & Policy Recommendations



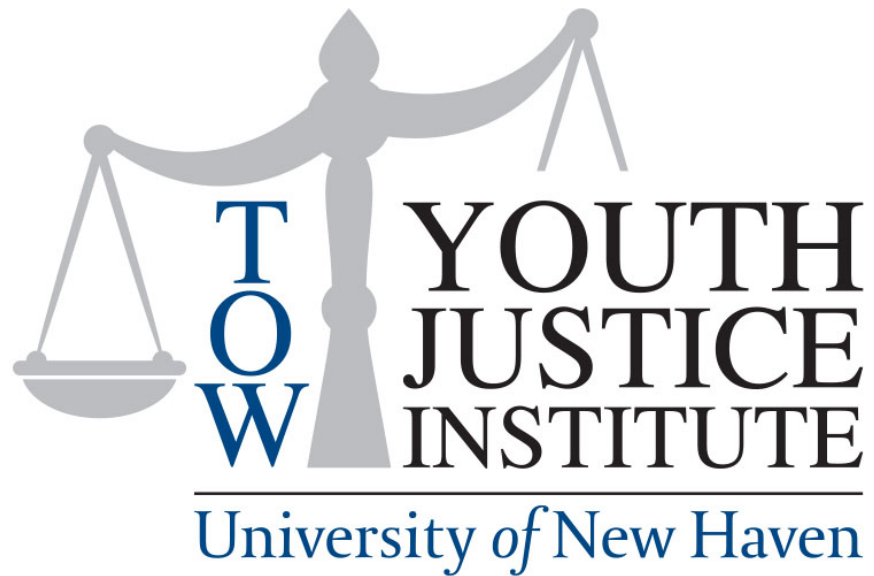
- All detained pretrial youth will remain in Judicial Branch facilities until their 18th birthday
 - Policy is consistent with how transitioning youth are treated in the Mental Health system – transition from Solnit (DCF) to CVH (DMHAS)
- Transferred youth will continue to be eligible for release on bond (these are adult court cases)
- The transferred youth population will integrate with the juvenile pretrial population in the Juvenile Residential Centers
- Girls will be housed at Journey House
- Consistent with Raise the Age, and to achieve the best results, the consolidation of services will take place **prospectively** –rather than transferring the targeted population from DOC to Judicial on a date certain.

Timeline

- January 2021: Submit legislation for the 2021 Session that requires CSSD to submit a plan for this change, with timeframes and costs, by January 2022
- January 2022: Submit plan with timeframes and cost to the General Assembly
- 2023: Start housing the under-18 transferred youth population in juvenile facilities operated by the Judicial Branch



Discussion



Next JJPOC Meeting
March 18th, 2020
2:00-3:30 PM