CSG Justice Center
THE COUNCIL OF STATE GOVERNMENTS

IMPROVING OUTCOMES FOR YOUTH IN CONNECTICUT
FIFTH PRESENTATION TO THE IOYOUTH TASK FORCE: RECOMMENDATIONS FOR CONSENSUS APPROVAL

JULY 21, 2020

Jacob Agus-Kleinman, Policy Analyst

Emily Rogers, Senior Research Associate

Josh Weber, Program Director

Taskforce Meeting Agenda and Process

Goals:

- Establish consensus approval as possible for the recommendations

- Identify concrete next steps for the recommendations

Agenda/Process:

- Review summary of key findings and recommendations in each area
  - Diversion
  - Pre-Trial Detention
  - Community Supervision and Services
  - Equity
  - Probation with Placement and Youth Placed with the Department of Corrections

- Comments from co-chairs and then take questions/discuss recommendations in each area

- Vote on individual recommendations in each area (through chat function) with approval requiring two-thirds majority ("yes," "no," or "abstain")

- Identify next steps for the approved recommendations

Recommendation Development Process

- Directly address areas where the IOYouth analysis identified that current system policies, practices, and resource allocation strategies do not fully reflect what research shows works

- Guided by research and best practice

- Based on feedback from almost all constituents represented by the IOYouth taskforce, and recommendations are generally supported by system stakeholders

- Informed by implementation science and current social/political/economic context

*While a specific category of recommendations pertains to reducing system disparities, most of the recommendations address specific areas of inequity identified as part of the IOYouth assessment process.

DIVERSION RECOMMENDATIONS

Systems Assessment: Referral and Diversion Key Takeaways

1 Delinquent referrals to juvenile court declined 26% since 2014; however, disproportionality in referrals has remained the same.

2 Despite increased diversion efforts, 41 percent of all referrals are for first time offenses.

3 Non-judicial handling is primarily used for first time referrals; one-quarter of referrals for first time misdemeanor offenses and 80% of first time felony offenses are handled judicially.

4 Youth of color with no or few prior offenses are more likely to receive judicial supervision than white youth, particularly for committing a felony offense.

5 YSBs and JRBs vary widely across the state in terms of the population they serve; use of research-based risk and need screening tools, case management, service matching/delivery practices; and available funding.

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.

Recommended Key Next Steps If Approved by IOYouth Taskforce:
- Develop a small working group appointed by the IOYouth Chairs to develop the process/parameters of the reforms and draft legislation, informed by IOYouth data, for the 2021 legislative session.

2. Increase juvenile diversion rates, limit system supervision for these youth, and ensure diverted youth receive services–if necessary–matched to their specific needs.

A. Require, in statute or administrative provisions, that all youth screened as low risk to reoffend are diverted from any form of system supervision (with limited offense exceptions as needed).

Recommended Key Next Steps If Approved by IOYouth Taskforce:
- Craft legislative or administrative policy as needed to support the diversion of all low risk youth from any form of system supervision.

C. If maintaining the YSB/JRB diversion service model, specify the mission and strengthen the capacity of YSB/JRBs statewide to serve a more robust diversionary function and to adopt research-based policies and practices:

i. Develop a standing advisory board to oversee a pilot, best practice implementation, and reform process. Launch a pilot with the four JRBs that receive significant funding from the state—and two-four midsized JRB/YSBs—to take on an expanded and strengthened diversion role and to adopt research-based policy/practice standards.

ii. Simultaneous to the pilot, DCF will conduct a landscape analysis of all other JRBs and YSBs statewide to determine the viability of them serving in a similar diversion role and adopting research-based standards and decision support tools.

iii. Based on the results of the pilot and landscape analysis, determine whether the existing YSB/JRB model is the most efficient use of resources and conducive to a statewide, research-based approach (while allowing for local customization).

iv. If maintaining the YSB/JRB model, establish clear legislative guidance for the types of cases/behaviors that must be diverted to YSB/JRBs and the research-based practices that all JRB/YSBs must adopt.

v. DCF and OPM must establish a plan—either in statute or DCF administrative provisions—for adjusting the funding formula

Recommended Key Next Steps If Approved by IOYouth Taskforce:
- DCF in collaboration with CSSD and the Connecticut Youth Services Association assembles the advisory group to develop a plan for the pilot and YSB/JRB landscape analysis.

3. Use primarily risk and need-based criteria, rather than the nature of youth's offenses, to guide diversion and dispositional decisions.

A. Revise the Judicial Practice Book to reduce offense-based and other types of unwarranted restrictions for who is eligible for non-judicial handling including but not limited to youth who don't admit charges; youth with non-violent felony referrals; and youth with prior misdemeanor referrals/adjudication.

B. Use the PREDICT risk screening tool and needs screening tools including the MAYSI and a trauma screener, to make YSB/JRB and non-judicial diversion decisions in order to divert all low-risk youth as well as moderate risk youth as appropriate.

   i. Establish administrative or legislative provisions that ensure the information obtained during this screening can't be used as part of the adjudicatory process, and that youth can opt out of the screening if they so choose.

   ii. Produce at least a quarterly report that tracks and shares data on risk screening overrides, including override reasons, and population demographics.

Recommended Key Next Steps If Approved by IOYouth Taskforce:
- Establish deliverables and timelines as part of CSSD IOYouth implementation action plan that takes into account approval from the Judicial Rules Committee.

PRE-TRIAL DETENITON RECOMMENDATIONS

Systems Assessment: Pretrial Detention Key Takeaways

1 Admissions to pretrial detention have declined 51% since 2014, but disproportionality for Black and Hispanic youth has increased.

2 Detention use is driven primarily by Take Into Custody orders and Warrants.

3 The length of stay in pretrial detention has increased slightly, with 30% of youth staying two weeks of longer, while a quarter of youth stay 3 days or less.

4. Establish policies and quality control protocols to reduce the number of youth automatically detained on Take Into Custody Orders and Warrants, and to ensure that detention decisions are data driven.

A. Require that probation staff attempts to facilitate a youth/family team meeting and develop a safety/community supervision/graduated response plan as a precursor to youth who violate a court order being automatically detained on a warrant or Take into Custody order.

   i. Establish administrative provisions that ensure that information gathered during this process can't be used as part of adjudicatory/TIC hearings.

B. Explore opportunities to establish respite capacity or other non-secure alternatives (models like assessment centers) that can prevent youth from being detained while safety/supervision/service plans are developed in partnership with youth and families.

> *Recommended Key Next Steps If Approved by IOYouth Taskforce:*
> - Establish deliverables and timelines as part of CSSD IOYouth implementation action plan.

5. Review the practice of judges making initial detention decisions as opposed to initial detention decisions being based on results of the detention screening tool and validated data.

A. Determine the potential for procedural changes that could reduce the need for unnecessary short-term detention stays and ensure that initial detention decisions are based on the results of the detention screening tool to determine who is actually a public safety/flight risk.

    i. <mark>Establish administrative provisions that ensure that any information gathered during the detention process—while not currently relying on conversations with the youth—can't be used as part of the adjudicatory process.</mark>

> *Recommended Key Next Steps If Approved by IOYouth Taskforce:*
> - Establish deliverables and timelines as part of CSSD IOYouth implementation action plan, .

6. Develop and produce a quarterly detention usage report/dashboard

A. Develop and produce a quarterly detention usage report/dashboard that identifies the cause of detention (TICs, judicial orders, etc.); overrides of the detention screening tool and reason; lengths of stay; and provides an equity analysis. The report will be reviewed with the IOYouth implementation committee/JJPOC.

Recommended Key Next Steps If Approved by IOYouth Taskforce:
* Establish deliverables and timelines as part of CSSD IOYouth implementation action plan.

COMMUNITY SUPERVISION AND SERVICES RECOMMENDATIONS

Systems Assessment: Judicial Supervision and Service Key Takeaways

1 Approximately half of all youth placed on judicial supervision are rearrested within one year of starting supervision.

2 CSSD is increasingly matching youth to supervision and services based on youth's risk of reoffending. Further exploration is needed to determine whether youth are receiving services matched to their needs, and if not, how to improve this process.

3 Service completion rates are low across all service types, and rearrest rates for youth who participate in services are generally above 50 percent. Further exploration is needed to determine what steps could be taken to strength service engagement and performance.

7. Strengthen probation case management and youth/family engagement policies and practices to increase youth/family engagement in services, improve service completion rates, and continue to position officers as agents of positive youth behavior change.

A. Review research and best practices from other states to identify proven solutions for increasing service engagement and successful completion rates, and ensure that new policies, procedures and resource investments reflect this guidance/lessons learned.

B. Hire, or contract if necessary, for family engagement specialists who can help lead/support an enhanced focus for CSSD on family engagement, including supporting families from the inception of system involvement, engagement in case planning/service delivery, and family services/supports.

C. With the assistance of the family engagement specialists, assess current probation family engagement policies/practices with the goal of specifying/formalizing existing policies and developing new ones as needed.

D. Conduct a series of time-limited roundtable discussions with contracted service provider leadership, CSSD staff, and youth and families to identify challenges to service engagement/successful completion with the goal of identifying specific opportunities to strengthen service matching, collaborative youth/family engagement, case planning/management, training, service diversification, and procurement/contracting.

E. Strengthen or build additional performance measures and develop a report/dashboard that enables real-time evaluation of family/service engagement and related best practices for all youth placed on judicial supervision.

8. Strengthen service diversification, matching, procurement, and contracting, processes to ensure limited resources are used effectively for services to improve youth outcomes.

A. Review PREDICT and behavioral health screening data to identify the most prevalent criminogenic and behavioral health needs of youth placed on judicial supervision; assess the current allocation of resources for contracted services; and establish and implement a plan for service realignment/procurement as needed.

    i. As part of this plan, develop a pilot project to contract for credible messengers, life coaches, and/or other types of more natural community supports with smaller, more community-based organizations, and assess the impact on service completion rates, recidivism, detention/incarceration use, and other outcomes.

B. Determine more generally how CSSD can diversify its funding partnerships with a variety of different types of community-based organizations and providers with a particular goal of contracting with more grassroots organizations as opposed to only large, established service providers.

Recommended Key Next Steps If Approved by IOYouth Taskforce:
- Establish deliverables and timelines as part of CSSD IOYouth implementation action plan.

EQUITY RECOMMENDATIONS

9. Establish a more data-driven focus on specific areas of system racial/ethnic inequity and monitor progress in remedying these areas on an ongoing basis.*

A. Develop an equity dashboard that monitors/compares system involvement for youth of different races/ethnicities in specific ways, based on current system disparities, that is shared and discussed with the JJPOC's Racial and Ethnic Disparities Working Group, including:

- Referral rates for top 5 most frequent misdemeanor offenses
- Handling of first referral (judicial vs. non-judicial)
- Detention admission reason
- Detention screening overrides
- Handling/disposition of youth who have committed a felony offense
- Risk assessment overrides
- Probation with placement dispositions
- Service completion rates

Recommendations in most other areas have a focus on equity and are designed to address specific inequities identified through the IOYouth data analysis. This proposed dashboard will promote transparency and accountability towards improving system

Recommended Key Next Steps If Approved by IOYouth Taskforce:
- Determine what entity will be responsible for development, upkeep, and ongoing review of the dashboard.

PROBATION WITH PLACEMENT AND YOUTH PLACEMENT WITH DOC RECOMMENDATIONS

Systems Assessment: Probation with Placement and DOC Key Takeaways

1 The youth historically committed to state custody and placed in CJTS were older, high risk, spent extended time in custody, and had a substantial number of incidents and negative movements.

2 Focus group participants expressed significant concerns with placing youth in short term detention facilities for extended period of time and effectively meeting their needs given that the facilities were designed only for short-term stays.

3 Most youth who are placed in DOC custody pre-sentencing are released prior to sentencing, and stay a short period of time, raising the question of whether such placements were necessary in the first place.

4 Most stakeholders do not believe that DOC facilities are the most appropriate place for youth, as these facilities need training, critical assessments and services, and revised policies to meet youths' needs.

10. Ensure probation with placement decisions are made in a data-driven, equitable way.

A. Partner with a research entity to validate the current probation with placement classification process/matrix, including for race/ethnicity neutrality.

Recommended Key Next Steps If Approved by IOYouth Taskforce:
- Establish deliverables and timelines as part of CSSD IOYouth implementation action plan.

11. Eliminate the housing of youth disposed to secure treatment in state-run, short-term detention facilities, and instead, place all youth requiring a secure setting as a disposition in community-based facilities that are conducive to long-term treatment.

A. Finalize the establishment of the two community-based secure facilities already in development to begin shifting youth disposed to secure treatment to community-based facilities, and develop a timetable for establishing the full secure capacity in the community needed.

Recommended Key Next Steps If Approved by IOYouth Taskforce:
- Establish deliverables and timelines as part of CSSD IOYouth implementation action plan.

12. Engage in a planning process designed to identify the number and type of secure beds, services, associated resources, and key steps and associated timelines necessary for the phased transfer of responsibility for youth from the DOC to CSSD. Based on this plan, craft and enact legislation during the 2021 session–pending legislature approval–to facilitate this transfer.

A. Establish a projection model for how many short- and long- term beds will be needed for youth that require a secure setting based on recent utilization and lengths of stay. As part of this model, identify costs associated with building additional capacity not already planned for by CSSD; for bolstering staffing and services in all community-based secure facilities; and bolstering services for post-adjudication youth placed with DOC.

B. Identify CSSD resources that are available from underutilized non-secure facilities, and other sources as possible, that can be reallocated to strengthen the treatment model for youth placed in longer-term secure settings in the community and to support the establishment of more community-based secure beds.

C. Identify resources currently allocated to DOC that can be shifted to support the development of additional secure capacity in the community and/or strengthening services for youth placed in community facilities.

D. Based on the above, determine the resource gaps required to develop the necessary secure capacity in the community and provide needed services to all youth under 18 that require secure settings, and develop a plan for obtaining the requisite funds through legislative appropriations, executive branch funding, and/or other public/private sources.

E.   As part of the above plan, establish a working group of CSSD, providers, and other stakeholders to identify how to more efficiently and effectively identify viable sites and vendors for additional community-based secure facilities, and how best to develop, procure, and contract for these sites.

F.   Based on the above, develop a plan with associated deliverables and phased implementation deadlines—to be reflected in proposed legislation for the 2021 session—for youth tried as adults pre-adjudication to be placed with CSSD.

   i.   As part of the above plan, establish legislative provisions that ensure that any information obtained by CSDD during the course of assessing the risks and needs of youth under 18 tried as adults pre-adjudication and providing treatment to meet their needs can't be used as part of the adjudicatory process.

Recommended Key Next Steps If Approved by IOYouth Taskforce:
- Identify a lead representative from each branch of government to work together to oversee the plan and legislation development process for the transfer of responsibilities from DOC to CSSD.

IMPLEMENTATION SUPPORT AND OVERSIGHT

Implementation of the IOYouth recommendations will require concrete action plans and collaborative, supportive forums focused on implementation processes and implementation science best practices.

A. If approved, establish the working groups identified as part of next steps. Working group members will be appointed by the IOYouth Co-Chairs, and the working groups should develop action plans with concrete timelines/deliverables.

B. As approved, DCF and CSSD develop their IOYouth implementation action plans.

C. Establish an IOYouth Implementation Committee, as a sub-committee of the JJPOC, co-chaired by leadership from all three branches of government and comprised primarily of the agencies/entities responsible for implementing the approved recommendations.

   i. The Committee will oversee the finalization/approval of working group and agency action plans; receive regular updates from them; troubleshoot ongoing agency and working group implementation challenges; and help to hold all stakeholders accountable for progress.

   ii. The Committee will provide ongoing updates to the full JJPOC.