



Juvenile Justice Policy and Oversight Committee

2020-2021 Recommendations
as Adopted on January 21st and February 18th, 2021

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I. UPDATE ON 2020-2021 JJPOC WORK AND RECOMMENDATIONS IN RESPONSE TO COVID-19

This document is comprehensive of both the 2020 pre-approved recommendations and the new 2021 draft recommendations.

In 2019, the JJPOC workgroups dedicated their time to drafting recommendations for the consideration by the JJPOC. In January-February 2020, the JJPOC discussed, revised, voted on, and approved these recommendations to move forward to the legislative session. However, due to COVID-19, these recommendations were not introduced in the legislative session. Therefore, it is the intent of the JJPOC to repropose the same set of recommendations in the 2021 legislative session. Since these recommendations have already been vetted by the JJPOC, it has been noted in the document that this will not be voted on again in January-February 2021. The only change made to these recommendations were the due dates or effective dates, if applicable. All of the dates mentioned in the approved recommendations have been moved up one year and the workgroup co-chairs have been notified of this change.

Additionally, this document includes new draft recommendations proposed by the JJPOC workgroups. During these unprecedented times, the work of the JJPOC was able to continue through virtual platforms, such as Zoom, WebEx, and Microsoft Teams. Meetings have been recorded, livestreamed, and documented to ensure that both JJPOC members and audience members are able to stay updated and included. The workgroup co-chairs modified their goals for this year and continued to meet on a virtual platform to discuss additional recommendations that should be introduced to the JJPOC in the 2021 legislative session. It is noted in this document which recommendations are pre-approved and which recommendations are new and need to be voted on in January-February 2021.

The table below provides the recommendations in brief and indicates whether this recommendation was already voted on in 2020 or will be voted on in 2021. The recommendations are sorted by each workgroup.

II. 2020-2021 JJPOC RECOMMENDATIONS IN BRIEF

DIVERSION WORKGROUP RECOMMENDATION 1	JJPOC recommends:	Implementation Strategies	Status
DIVERSION WORKGROUP RECOMMENDATION 2	JJPOC recommends that:		
DIVERSION WORKGROUP RECOMMENDATION 3	JJPOC recommends:		
EDUCATION COMMITTEE	JJPOC recommends that:		

<p>RECOMMENDATION 1</p>	<p>A. Current legislation be amended to create a unit within DCF to oversee the education of youth in all juvenile justice facilities including incarcerated youth.</p> <ol style="list-style-type: none"> 1. An implementation team shall be established by to assist DCF in the development of an operational plan to create the unit within the agency. This implementation team will include representatives of state and local agencies, as well as the chairs of the JJPOC Education Committee and one youth and one family representative, who will serve as voting members. The implementation team shall identify the implementation timeline, funding, and other measures necessary to fully implement the recommendation. The implementation team shall provide a report back to the JJPOC by September 2021 2. DCF may hire its own personnel, and/or subcontract to private providers and/or other school districts for the provision of services. 3. DCF shall be adequately funded and resourced to accommodate for its expansion. 4. DCF shall develop and review quarterly reports on academic performance, school discipline, attendance, etc. 5. DCF shall require subcontracted education providers (no less than semi-annually) to provide student performance data to ensure that reporting measures are tailored to experiences of students in short and long-term placements. 6. DCF shall require education providers to develop partnerships and programs with local education agencies, non-profit cultural groups, local industries, and businesses. 7. DCF shall report student performance data, attendance, and rates of participation for all education programs. They shall also be required to document transition activities and outcomes, collaborations with community service providers, and parents. 8. DCF shall ensure that students have access to earn credits toward high school graduation, have access to arts and career and technical education (CTE) courses, 	<p>Legislation & Funding</p>	<p>Approved by the JJPOC</p>
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	<p>statewide and college prep testing, and provide alternative options for HS equivalency certificates for students who are overage and under credits. 9. DCF shall enable students to have access to web-based content including credit recovery programs.</p>		
<p>EDUCATION COMMITTEE RECOMMENDATION 2</p>	<p>JJPOC recommends that:</p> <p>A. The education unit within DCF for youth in juvenile justice facilities may employ transition specialists whose primary responsibility is to facilitate the successful transition of youth from their communities to secure facilities and then back to their local educational program upon release. These transition specialists shall:</p> <ol style="list-style-type: none"> 1. Collaborate with receiving schools, youth serving agencies, employers, and other community supports to plan and manage successful transition. 2. Manage to track educational credits of youth while in out of home placement and documenting the success of placements following youths' reentry into their communities. 3. Be responsible for communicating with the reentry coordinators. This information will be used in reporting by the receiving district LEA or the district of nexus, if applicable. <p>B. <i>Reentry coordinators</i> (established per PA 18-31 Sec. 7(q)) shall be responsible for obtaining records of youth in juvenile justice facilities and assisting in transfer of the records to the facility.</p> <ol style="list-style-type: none"> 1. The list of reentry coordinators shall be distributed to system stakeholders, including DOC, DCF, CSSD and parents of students. This list should also be made public and displayed on the SDE website. 2. SDE should implement and maintain a current list of reentry coordinators. This list should be reviewed and updated concurrently with the August 1st statutory guideline. In districts under enrollment of 6,000, an alternate will be identified to coordinate the reentry process. <p>C. An amendment to C.G.S § 10-253 (g)(7) & (g)(8) be made to read, "(7) When a child is not enrolled</p>	<p>Legislation</p>	<p>Approved by the JJPOC</p>

	<p>in a school district at the time of a juvenile justice out-of-home placement, <u>or upon discharge does not return to the same school where the child was previously enrolled.</u>”“(8) Upon learning that a child is to be discharged, the educational services provider for the facility shall immediately notify the jurisdiction in which the child will continue his or her education after discharge. <u>A child shall have the right to enroll in such school district immediately upon discharge into the community, as provided in subsection (7).</u>”</p> <p>D. Legislation requires special education students in juvenile justice facilities, when at all possible, to be provided PPT meetings upon entry and in advance of their discharge to plan for their program and placement in their receiving school district.</p> <p>1. For youth who are sentenced or given an order of probation supervision with residential placement, a transition PPT meeting should be held 30 days in advance of the youth’s known date of discharge. Both the discharging and receiving school district shall participate in this PPT meeting and a person knowledgeable about the continuum of programmatic offerings available in the receiving district shall participate in the meeting.</p>		
<p>EDUCATION COMMITTEE RECOMMENDATION 3</p>	<p>JJPOC recommends that:</p> <p>A. The education unit within DCF for youth in juvenile justice facilities will ensure that sending and receiving schools and programs provide services and supports that maximize student’s success.</p> <p>1. Use a uniform system of state-wide electronic record transfers (i.e. Powerschool, PSIS) for maintaining and sharing educational records for all students, including court-placed youth in educational programs, to be overseen by a Directory Manager as designated by DCF and align with the IEP Task Force.</p> <p>B. A student’s home district should be mandated to offer home district diplomas earned by students 17 and above graduating while in educational programs for court-placed youth who meet the statutory graduation requirements. If no nexus district can be determined, the DCF administrative</p>	<p>Legislation</p>	<p>Approved by the JJPOC</p>

	<p>body will participate in the determination of credits and facilitate in the issuance of a diploma. There should be flexibility and collaboration in this process with the student's home district and special school districts.</p> <p>C. State-wide expectations should be established for ensuring credit transfers/partial credit transfers.</p> <ol style="list-style-type: none"> 1. Classroom hour-to-credit conversion should be standardized. 2. Credits should be awarded as soon as possible, but no later than 30 days of the transfer to the home district. 3. At intake, it is recommended that a review be done of the student's transcript and attendance records to determine educational requirements upon graduation. Credits should be transferred from the home district within 5 school days of students' placement. <p>D. A timeframe should be established for updating educational records pre-discharge.</p> <ol style="list-style-type: none"> 1. At a minimum, educational records should be up-to-date per marking period, as well as immediately upon discharge. 		
<p>EDUCATION COMMITTEE RECOMMENDATION 4</p>	<p>JJPOC recommends that:</p> <p>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.</p> <p>B. JJPOC should collaborate with CHDI to review similar data collected on 211 calls made by public schools.</p>	<p>Legislation</p>	<p>Approved by the JJPOC</p>

	<p>C. All data analyses should be submitted for review by the JJPOC Education Committee on a bi-annual basis.</p>		
<p>EDUCATION COMMITTEE RECOMMENDATION 5</p>	<p>JJPOC recommends that:</p> <p>A. An amendment to Public Act 15-96 sec. 10-233a-i “ban suspension and expulsion of children in preschool through grade two,” that endangers the child or others” to expand to twelfth grade with a phased-in plan consisting of:</p> <ol style="list-style-type: none"> 1. Preschool through second grade with an implementation plan to be delivered by January 2022 with an effective date of July 2022 <p>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.</p> <p>C. No later than 2023, the implementation committee shall identify the phased-in plan and effective date for the following grades:</p> <ol style="list-style-type: none"> 1. Third grade through eighth grade 2. Ninth grade through twelfth grade <p>D. 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</p> <ol style="list-style-type: none"> 1. Connecticut State Department of Education, 2. representation from the State Board of Education Accountability and Support Committee, 3. Head of Superintendents Association, Parent Representation or Chair from Special Education Advisory Committee, 4. Representative from Disability Rights Connecticut, 5. Special Education Equity for Kids in CT (SEEK-CT), 	<p>Legislation</p>	<p>Approved by the JJPOC</p>

	<p>6. Children Health Development Institute, Center for Children’s Advocacy, and Connecticut Youth Services Bureau Association.</p> <p>E. 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. The implementation plan shall identify:</p> <ol style="list-style-type: none"> 1. Phase-in plan as noted in A-C of the recommendation 2. Funding and phase in 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 (Appendix H) 6. family engagement; 7. screening for health and mental health concerns; and 8. strengthening connections to community-based services and supports including trauma-informed mental health interventions <p>F. SDE shall be adequately funded and resourced to accommodate for its expansion as outlined in the implementation plan</p>		
<p>INCARCERATION WORKGROUP RECOMMENDATION 1</p> <p>Submitted in accordance with the requirements of Public Act 19-187(r).</p>	<p>JJPOC recommends that:</p> <p>A. The laws on juvenile transfer be amended to limit both the number of cases eligible for mandatory and discretionary transfer in order to decrease the population of youth in the adult criminal justice system (See Appendix B).</p> <ol style="list-style-type: none"> 1. Cases with A felonies remain as automatic transfers. 2. Cases with B felonies be removed from automatic transfers and, instead, receive a discretionary hearing. 3. Cases with C, D, E, or unclassified felonies be removed from transfers entirely. 4. The criteria for transfers to the criminal justice system be amended to specify the need of presenting an imminent risk of death or serious physical injury to the public. 	<p>Legislation</p>	<p>Approved by the JJPOC</p>

	<p>B. A “second look” provision be adopted for all youth transferred to adult court who receive sentences of incarceration. This “second look” will require a sentence review within 50% of their sentence, or by their 18th birthday (whichever comes first) to determine the need for continued incarceration.</p>		
<p>INCARCERATION WORKGROUP RECOMMENDATION 2</p>	<p>JJPOC recommends:</p> <p>A. Legislation be proposed to provide the automatic erasure of certain juvenile records, and elimination of the petition requirement that exists in current law which youth and families rarely avail themselves of. Specifically, this proposal would do the following:</p> <ol style="list-style-type: none"> 1. It would provide for automatic erasure of juvenile records after the existing statutory waiting period of two years and fulfillment of the requirement that there be no additional offenses, for any juvenile offense that is not a serious juvenile offense. 2. It would still require youth with serious juvenile offenses to petition to have their records erased after the existing required four year waiting period. 3. It would not impact the ability to petition earlier by requesting a hearing for good cause for any youth with a record. 	<p>Legislation</p>	<p>Approved by the JJPOC</p>
<p>INCARCERATION WORKGROUP RECOMMENDATION 3</p>	<p>JJPOC recommends:</p> <p>A. A bill in the General Assembly which reads, “Beginning July 1, 2021, telephone services or any other telecommunications services provided to a child confined in a correctional facility or transferred to DOC shall be provided free of charge”</p> <p>B. Beginning July 1, 2021, a committee be established to study phone call rates and commissary needs for all youth, 18-21 years of age, confined in Connecticut correctional facilities, and such committee shall make recommendations to the General Assembly and Department of Administrative Services prior to the renegotiation of the current prison phone services contract set to expire March 1, 2021.”</p>	<p>Legislation</p>	<p>Approved by the JJPOC</p>
<p>INCARCERATION WORKGROUP</p>	<p>JJPOC recommends that:</p>		

RECOMMENDATION 4	<p>A. Legislation be passed to ban use of all chemical agents on youth under the age of 18 by January 1, 2022.</p> <p>1. The Department of Corrections should develop alternatives in place of chemical agents.</p>	Legislation	Approved by the JJPOC
RACIAL AND ETHNIC DISPARITIES WORKGROUP RECOMMENDATION 1	<p>JJPOC recommends:</p> <p>A. The provisions of C.G.S. § 54-1m be extended so that racial profiling data is collected on all police stops, whether traffic or pedestrian, giving a full and complete picture of any racial profiling that takes place in the state</p> <p>B. The co-chairs of the RED Workgroup should present this recommendation to the Connecticut Racial Profiling Advisory Board and collaborate with the advisory board to further define “pedestrian stop” and establish a method for analyzing and reporting the findings to follow the precedent of the current approach with traffic stop reports.</p>	Legislation	Approved by the JJPOC
COMMUNITY EXPERTISE WORKGROUP RECOMMENDATION 1	<p>JJPOC recommends that:</p> <p>A. The General Statutes be amended to increase the membership of JJPOC by two community members and two youth (must be under 26 years of age) with first or second-hand justice system involvement. Funding should be provided for stipends, transportation, and child care to enable member attendance.</p>	Legislation & Funding	Approved by the JJPOC
EXECUTIVE COMMITTEE RECOMMENDATION 1	<p>JJPOC recommends that:</p> <p>A. An amendment to PA14-217 sec. 79 to expand the purview of the juvenile justice policy and oversight committee to the under 21 year old population for purposes of research and data collection to inform and evaluate justice system policies.</p>	Legislation	Approved by the JJPOC
IOYOUTH RECOMMENDATION 1	<p>JJPOC recommends that:</p> <p>A. Legislation be proposed to establish a pre-arrest juvenile diversion model that holds youth accountable for low-level misbehavior while diverting them from any court processing or formal arrest record. The model is based on a youth’s offense and prior history, and requires in each</p>	Legislation	Approved by the JJPOC

	<p>case that law enforcement provide an alternative response in lieu of an arrest. The model consists of the following:</p> <ol style="list-style-type: none"> 1. Beginning January 1, 2022, for 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. This is similar to the prior removal of FWSN behavior from juvenile court jurisdiction effective 6/30/20 (PA19-187). <ol style="list-style-type: none"> a. Simple Trespass b. Creating a Public Disturbance c. Possession of cannabis-type substance (under .5 ounce only) d. Use/Possession/Delivery of drug paraphernalia (related to under .5 ounce of cannabis-type substance) 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 <ol style="list-style-type: none"> a. Breach of Peace, 2nd Degree b. Disorderly Conduct c. Larceny, 5th and 6th Degree d. Possession of cannabis-type substance (more than .5 ounce) e. Use/Possession/Delivery of drug paraphernalia (more than .5 ounce) 1. 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: <ol style="list-style-type: none"> a. Capacity of YSBs and other local agencies to provide services for this population b. Accountability mechanisms c. Process for victim input and involvement d. Data collection for tracking YSB referrals 		
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	<p>e. Communication and outreach to stakeholders on accessing local services</p> <p>f. Proposed effective date for full Tier 2 implementation</p>		
<p>IOYOUTH RECOMMENDATION 2</p>	<p>A. 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.</p>	<p>Legislation</p>	<p>Approved by the JJPOC</p>

III. CONNECTICUT'S PROGRESS IN JUVENILE JUSTICE REFORM

In 2014, The Juvenile Justice Policy and Oversight Committee (JJPOC) was created by Public Act 14-217 and charged with evaluating policies related to the juvenile justice system. The committee was tasked with recommending changes in state law regarding juvenile justice, crafting a standard definition of recidivism, setting goals for reform, assessing the impact of Raise the Age, assessing the quality of education within the juvenile justice system, planning for implementation of Results-Based Accountability (RBA) by agencies, analyzing the existence of disproportionate minority contact (DMC) across the juvenile justice system, reporting to the state on the quality and effectiveness of a variety of programs in community supervision, congregate care, diversion, behavioral health, and other areas.

The Juvenile Justice Policy and Oversight Committee (JJPOC) has been successful every year since 2015 putting forth recommendations that are based on best practices in order to improve the State's juvenile justice system.

Early on, the JJPOC developed goals to improve youth justice in the state of Connecticut to be achieved by mid-2018:

- Increase diversion of children and youth from juvenile court by 20%;
- Decrease the number of children and youth confined (incarcerated) in state-run facilities by 30%; and
- Decrease the rate of recidivism among juvenile offenders by 10 %

Workgroups and sub-workgroups were established across the state toward each of those goals as well as a Cross Agency Data-Sharing Workgroup. Each year, the Cross-Agency Data Sharing Workgroup co-chairs present a progress report on the status of the established numerical targets for the goals. By Fall 2018, the state's juvenile justice system exceeded two of the three identified goals. Reduction in incarceration reached more than 50% far exceeding the goal; the increase in diversion reached 30%, also far exceeding the goal; the reduction in recidivism is not yet at the promised 10% level. It is stalled at 2%, but largely due to the changing nature of the juvenile populations.

As the timeline for the original goals expired, the JJPOC set forth and produced new goals to be achieved by mid-2021:

- Limit youth entry into the justice system
- Reduce incarceration
- Reduce racial & ethnic disparities of youth in Connecticut's juvenile justice system
- Right-size the juvenile justice system by setting appropriate lower and upper age limits

In recent years, the JJPOC has helped pass a series of legislative reforms. These include:

P.A. 17-2 - AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2019, MAKING APPROPRIATIONS THEREFOR, AUTHORIZING AND ADJUSTING BONDS OF THE STATE AND MPLEMENTING PROVISIONS OF THE BUDGET INCLUDED:

- Effective 7/1/2018, the court is authorized to sentence children who have been convicted as delinquent to a period of probation that may include placement in a residential facility, in addition to the existing menu of orders and conditions available to the court.
- The Judicial Branch will expand its contracted juvenile justice services to include a comprehensive system of graduated responses with an array of services, sanctions and secure placements.
- Effective July 1, 2019, children identified as Families with Service Needs (FWSN) will no longer be referred to the courts. This recommendation addresses the remaining categories (Beyond Control, and Runway) under the FWSN law. The major FWSN category – truants and defiance of school rules - has already been removed from juvenile court jurisdiction effective August 15, 2017.
- Requires the Office of Policy and Management (OPM) to report annually on juvenile recidivism, with the first report due no later than August 15, 2018.
- Mandates that DCF and the Children's Mental, Emotional and Behavioral Health Plan Implementation Advisory Board extend their focus to justice system-involved youth.
- On or before July 1, 2018, the Department of Children and Families, in collaboration with the Children's Mental, Emotional and Behavioral Health Plan Implementation Advisory Board, shall submit recommendations for addressing any unmet mental, emotional and behavioral health needs of children that are attributed to an increased risk of involvement in the juvenile and criminal justice systems.
- Identifying and addressing any increased risk of involvement in the juvenile and criminal justice system attributable to unmet mental, emotional and behavioral health needs of children.
- On and after July 1, 2018, no child who has been convicted as delinquent may be committed to the Department of Children and Families as a result of such conviction.
- The Judicial Branch shall expand its contracted-for juvenile justice services to include a comprehensive system of graduated responses with an array of services, sanctions and secure placements available for the court and juvenile probation officers and other staff of the CSSD to use in order to provide individualized supervision, care, accountability and treatment to any child who has been convicted as delinquent in a manner consistent with public safety in order to (1) deter any such child from the commission of any further delinquent act, and (2) ensure that the safety of any other persons will not be endangered.
- There shall be a transitional period commencing July 1, 2018, and ending not later than January 1, 2019, during which period the Judicial Branch may place a child who has been convicted as delinquent in a congregate care setting operated by the Department of Children and Families or order that such child to receive community-based services provided by said department, if the department operated such setting or provided such services to children convicted as delinquent, prior to July 1, 2018. The Commissioner of Children and Families shall enter into an agreement with the Judicial Branch to allow for the use of such settings and services, and the costs of said settings and services shall be paid by the Judicial Branch to the department.

P.A. 18-31 - "AN ACT CONCERNING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE AND CONCERNING TRANSFER OF JUVENILE SERVICES FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE COURT SUPPORT SERVICES DIVISION OF THE JUDICIAL BRANCH":

- Codified in legislation both the Community-based Diversion System Plan developed in January 2017 and the School-based Diversion Framework developed in January 2018, whereby 1) Youth Services Bureaus are identified as the primary agent for diversion of children from the juvenile justice system, 2) a newly developed process for making referrals of juvenile justice children from police, schools and other agents to the youth services bureau system is implemented, and 3) priority strategies for school-based diversion: disciplinary policy review, use of community resources such as the Emergency Mobile Crisis Teams, improved professional development for school staff are addressed.
- Created a new Education Committee on improving the educational services to youth in out of home placement.
 - By 1/1/21, a single agency will be in charge of a statewide system of education transitional supports for children in custody.
 - By 7/1/18, the JJPOC will convene a committee, the members of which are designated in the bill, to develop the plan mentioned above. The education committee has been formed and is chaired by State Rep. Robyn Porter, and Joshua Perry. The membership includes 11 key stakeholders and convened September 2018. It plans to meet monthly throughout 2019.
 - By 1/1/19, the JJPOC will receive a report from such committee and propose legislation to vest responsibility for the education of children in custody in a single state agency that will provide all education and related transitional supports, effective July 1, 2020.
 - Among the many things that the Plan must address are the following: the range of services for the justice-involved youth must include, at a minimum, a traditional high-school diploma program, an accelerated credit recovery program, vocational training, and access to post-secondary options. Additionally, a recommendation was made to submit a plan for a single agency to be in charge of a statewide system for education transitional supports for children in custody.
 - The Board and the Superintendent of the Technical Schools must submit a plan to accomplish this by January 1, 2019, to both the JJPOC and the appropriate committees of the legislature. The collaboration is intended to create a pathway to enrollment and the technical schools are called upon to amend their admission criteria to enable this change.
- Mandates that by January 1, 2020, the JJPOC shall report on a Justice Reinvestment Plan that will allow for the reinvestment of a portion of the savings from the decreased use of incarceration and congregate care programming to become strategic investments in home, school and community based behavioral health services for children diverted from the juvenile justice system.

P.A. 19-187 – “AN ACT CONCERNING CONFIDENTIALITY IN THE CASE OF A DISCRETIONARY TRANSFER OF A JUVENILE’S CASE TO THE REGULAR CRIMINAL DOCKET AND IMPLEMENTING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE”:

- No later than January 2020, the Committee shall review methods other states employ to transfer juvenile cases to the regular criminal docket and detain the aforementioned juveniles. The review shall consider the impact on public safety as well as the effectiveness of changing behaviors of the juveniles. It shall also include organizational and programmatic alternatives. The implementation plan should be effective no later than July 1, 2021, with cost options.
- No later than July 1, 2020, best practices shall be developed in the areas of suicidal and self-harming behavior, solitary confinement, and programs & services. There should also be developmentally appropriate and recreational opportunities for detained youth and their family members. These practices shall be implemented no later than July 1, 2021.
- No later than January 15th of every year, the DOC and CSSD will report on suicidal and self-harming behaviors, use of force, and imposition of physical isolation for juveniles in their care. The reports shall also include any educational and mental health concerns.
- No later than January 15th of every year, the DOC and CSSD will report on their compliance to all PREA standards for the previous calendar year.
- No later than August 1, 2020 and monthly thereafter, the DOC and CSSD will report to the JJPOC on each instance of the use of chemical agent and prone restraints on any juvenile in their custody.
- Effective July 1, 2020 ombudsperson services shall be “independent” of the agency that they serve
- Effective June 30, 2020 Families with Service Needs (FWSN) will include runaways, children beyond control of their parents, and juveniles who engage in indecent or immoral conduct. These populations will no longer be referred to the juvenile courts.

IV. 2020-2021 RECOMMENDATIONS IN DETAIL FROM THE DIVERSION WORKGROUP

Goal: Limit youth entry into the justice system.

Connecticut is committed to preventing youth from entering the formal justice system by appropriately serving them by alternative means or systems (e.g., community-based diversion, restorative justice approaches, mental/behavioral health services, etc.) in order to achieve better outcomes for youth.

<p>DIVERSION WORKGROUP RECOMMENDATION 1</p>	<p>JJPOC recommends:</p> <p>A. Legislation for raising the minimum age of juvenile court jurisdiction from seven years to twelve years on July 1, 2021.</p> <ol style="list-style-type: none"> 1. Alternative handling for these cases will include, but not be limited to, Children’s Behavioral Health Services System, Youth Service Bureaus, Juvenile Review Boards, and/or community-based services. <p>B. The development of a plan for ensuring that a child who would have been referred to the juvenile court system will instead be referred to the Children’s Behavioral Health System, the Community-Based Diversion system, and/or other community-based services.</p> <ol style="list-style-type: none"> 1. The Diversion workgroup shall develop a plan that outlines a referral process for developmentally appropriate services (screening, assessment, interventions). The plan shall be delivered to the JJPOC by January 6, 2021 (see Appendix A).
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BACKGROUND

The Raising the Lower Age Limit subgroup within the Diversion workgroup has concentrated its efforts into reviewing the Minimum Age of Criminal Responsibility (MACR) within the state of Connecticut. The current statute in Connecticut sets the minimum age of juvenile court jurisdiction at seven. The MACR of 7 is relatively low when compared to national and international trends and standards. There are 22 states with the MACR ranging from 6-12 years of age. Nebraska recently established a new MACR of 11 in 2017 and Massachusetts raised their MACR from 7 to 12 in 2018. California did not have an established MACR but recently passed a bill that implements a MACR of 12 in 2019. Internationally, the United Nations Convention on the Rights of the Child, who serves as an international human rights instrument, declared the criminal prosecution of a child under the age of 12 as unacceptable. Since this recommendation, 40 countries have either established or increased their MACR to meet these standards. Currently, the median MACR around the world is 12-13 years old. With these trends, Connecticut seeks to remain a leader in juvenile justice reform, increase the MACR to be more developmentally appropriate, and become aligned with research and best practice from around the world.

In preparation for the 2021 legislative session, the Raising the Minimum Age subgroup of the Diversion Workgroup continued to meet and develop a draft implementation plan, flow chart, and referral form for this recommendation (See Appendix A).

DATA

In recent years, the number of referrals for youth under 12 averaged about 130 referrals per year. Overall, referrals for this population have decreased over the years, and as of recent years, have remained relatively stagnant.

As an overall trend, youth under 12 are mainly referred for misdemeanors. In the past three years, an average of 78% of referrals among this population were for misdemeanors. The majority of cases for youth under 12 are handled non-judicially. In recent years, slightly more than half of the referrals were handled non-judicially. In 2018 and 2019, almost 80% of all cases were handled non-judicially. In addition, the number of cases not accepted have increased.

Regarding disposition for youth under 12, the majority of cases are not prosecuted or not accepted. Of the cases handled non-judicially, over half were handled with supervision, and the remaining half were handled with either discharge, or not prosecuted. Specifically, with referrals that were not accepted, nearly all the youth were referred to JRB's. For clients that were disposed to supervision, some treatment programs included, educational support services, mentoring, and individual counseling.

Based on risk assessment of supervised youth, the data shows a vast majority are identified as low or null risk. Looking at 2019 specifically, about 84% of referred youth under 12 were identified as low or null risk. The recidivism rate for youth referred prior to July 1st, 2018, is about 27.4%, with those clients only ranging between the ages of 8 and 11. Decades of research have shown that formally processing youth in the juvenile justice system does not prevent future crime and, instead, increases the likelihood of future criminal behavior by deterring psychosocial development.

POTENTIAL IMPACT

Based on the research presented, increasing the MACR to 12 years will give juveniles under the age of 12 a chance to engage in diversionary alternatives prior to formal processing. This opportunity avoids potential lifelong consequences of trauma and recidivism. Children who are arrested or charged are significantly more likely to have histories of child maltreatment or underlying, unaddressed behavioral health conditions.

While there may be a greater need to support and reallocate additional resources to these alternative systems and programs, such as Youth Service Bureaus (YSB) or Department of Children and Families (DCF), the population of juveniles below 12 is a significantly smaller population. The state data shows that as the age of youth increase, the number of referrals tend to increase. The majority of the referrals for youth under 12 fall between the ages of 10 to 11. In recent years, youth under 9 were a minimal proportion of this young offender population. For example, in 2019, the 6 to 10 age bracket made up only 33 of the 112 referrals, with the remaining 79 referrals being 11 years old. The additional support needed for this population will be minor for community systems as a whole, but significant for the child's future success.

Research shows the mental capacity, neurological development, and competency of a child is significantly less developed than an adult. An increased minimum age would acknowledge the scientific differences in cognitive maturity of young children, even in comparison to their teenage counterparts. Their brains are "unstable;" they have not yet attained mature cognitive abilities to respond effectively to situations that require careful or reasoned decisions, and they may be more inclined than adults to act impulsively and without planning. Due to Connecticut lacking a statute mandating juvenile competency hearings, it is vital to address standards of competency in other ways, such as setting a minimum age that is developmentally appropriate and based on neuroscience and developmental psychology.

**DIVERSION
WORKGROUP
RECOMMENDATION 2**

JJPOC recommends that:

- A. Beginning July 1, 2021, the legislature and the Governor fund implementation of the community-based diversion system.

BACKGROUND

The Community-Based Diversion system addresses criminogenic, social/emotional, behavioral, mental health and academic needs of at-risk pre-delinquent and delinquent youth within the context of their family, school, and community supports and services such that *no child is entered into the juvenile justice system without having exhausted appropriate community resources*.

The Community-Based Diversion System addresses minor criminal offenders, status offenders and children and youth exhibiting status offense behavior. The Community-Based Diversion System maximizes existing mechanisms, systems, and relationships to more efficiently connect children and their families with resources in their community and divert children from the care of state agencies. It essentially weaves a system of supports from existing programs and services, and enhances an array of services that may currently be under-funded, structurally fragmented, not distributed to match the demand, have limited access due to agency contract restrictions, and in some communities, under-utilized.

The Community Based Diversion System promotes the integration of the YSB system with the behavioral health care coordination system, which are both critical components in serving at risk youth. As the hub in the Diversion System, the YSBs coordinate services and referrals inclusive of both community-based supports and more intensive clinical programming. A collaborative process between the two groups is called for in order to best meet the needs of the diverted juvenile justice population.

DATA

The following data was presented at the July 19th, 2019 JJPOC meeting. This collection of data was compiled by the Judicial Branch's Court Support Services Division (CSSD) for the JJPOC Diversion workgroup, and contains descriptive information about Family With Service Needs (FWSN) referrals to court during the period 2010 through May of 2019. FWSN referrals consist of defiance of school rules, truancy, beyond control, runaway, and indecent/immoral conduct.

In 2019 there were 152 Families with Services Needs referrals to the court. Of the 152 court referral 149 of them were unique clients. 65.13% of the FWSN referrals were beyond control, 32.24% runaway, with very small percentages falling within indecent/immoral conduct. The treatment needs of these children varied from educational advocacy, basic needs, crisis intervention, pro-social activities, life skills, and cognitive behavior based psychoeducational groups.

The Community Based Diversion System was created to support the needs of at-risk and delinquent youth, including status offenders and those exhibiting status offense behaviors. In July of 2020, all remaining FWSN behaviors will be removed from Juvenile Court jurisdiction. These cases will go to the Community based Diversion System similar to previous changes made in the FWSN laws.

POTENTIAL IMPACT

The Community-Based Diversion System maximizes existing mechanisms, systems, and relationships to more efficiently connect children and their families with resources in their community and divert children from the care of state agencies. The benefits of a fully implemented Community-Based Diversion System include: 1) Decreased referrals to Juvenile Court; 2) Increased participation in appropriate services and programs, 3) Increased family engagement; 4) Decreased recidivism; 5) Reduction in the stigma/labeling associated with formal juvenile justice system involvement; and 6) Reduction in the costs associated with crime and incarceration.

**DIVERSION
WORKGROUP
RECOMMENDATION 3**

JJPOC recommends:

- A. The development and implementation of a funded statewide data-base system within the Youth Service Bureau System. The data system is necessary for monitoring, tracking, evaluating and for case management purposes. A data system is critical for evaluation based on the numerous reforms made to the FWSN laws and the implementation of the Community-Based Diversion System.

BACKGROUND

The YSB System does not have a web-based system created for their needs, despite the fact they are responsible for reporting information and outcomes to a variety of state agencies. The current method of data collection is not sufficient and does not produce complete quality data on a consistent basis. Accountability also needs to be strengthened for the YSB system in its required data collection and reporting.

DATA

Data to be collected would be similar in type to what is being collected now, which includes all demographic information, reasons for referral, services received, other case specific information (background, other issues, etc.), JRB information (which is extensive), plus results of the Ohio Scales Screening tool, and outcomes specific to the work being done (to be developed by CT Youth Services Association in conjunction with DCF).

POTENTIAL IMPACT

With a web-based system that is tailored to the needs of the YSB system, accountability would increase, clarity would be provided for how to input data and submission of complete records would occur on a more regular basis. With a data base that collects necessary information in a user friendly manner, better reports could be generated for the legislature, state agencies and for the YSBs individually for their own community purposes. The quality of data would improve, outcomes could be added to a new data system and new measures could be collected. The ability to critically analyze data will only help in the ability to better tell the story of the YSB system and those it serves, as well as aid in requesting adequate funding for the system based on data and outcomes.

V. 2020-2021 RECOMMENDATIONS IN DETAIL FROM THE EDUCATION COMMITTEE

Mission: Improve educational services for youth in an out-of-home placement.

Connecticut is committed to ensuring that youth in an out-of-home placement have access to the highest quality of educational programming available. This includes providing smooth transitions to and from the community, offering specialization and expertise, and holding the entire system accountable.

<p>EDUCATION COMMITTEE RECOMMENDATION 1</p>	<p>JJPOC recommends that:</p> <ul style="list-style-type: none"> A. Current legislation be amended to create a unit within DCF to oversee the education of youth in all juvenile justice facilities including incarcerated youth. <ul style="list-style-type: none"> 1. An implementation team shall be established to assist DCF in the development of an operational plan to create the unit within the agency. This implementation team will include representatives of state and local agencies, as well as the chairs of the JJPOC Education Committee and one youth and one family representative, who will serve as voting members. The implementation team shall identify the implementation timeline, funding, and other measures necessary to fully implement the recommendation. The implementation team shall provide a report back to the JJPOC by September 2021. 2. DCF may hire its own personnel, and/or subcontract to private providers and/or other school districts for the provision of services. 3. DCF shall be adequately funded and resourced to accommodate for its expansion. 4. DCF shall develop and review quarterly reports on academic performance, school discipline, attendance, etc. 5. DCF shall require subcontracted education providers (no less than semi-annually) to provide student performance data to ensure that reporting measures are tailored to experiences of students in short and long-term placements. 6. DCF shall require education providers to develop partnerships and programs with local education agencies, non-profit cultural groups, local industries, and businesses. 7. DCF shall report student performance data, attendance, and rates of participation for all education programs. They shall also be required to document transition activities and outcomes, collaborations with community service providers, and parents.
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	<ol style="list-style-type: none">8. DCF shall ensure that students have access to earn credits toward high school graduation, have access to arts and career and technical education (CTE) courses, statewide and college prep testing, and provide alternative options for HS equivalency certificates for students who are overage and under credits.9. DCF shall enable students to have access to web-based content including credit recovery programs.
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BACKGROUND

Public Act 18-31 established an education committee to develop a detailed plan addressing concerns with overall coordination, supervision, provision and direction of all academic services and programs for youth in out of home placement.

The committee was placed into effect on July 1st, 2018 and began to meet regularly to address the following: the range of services for the justice-involved youth must include, at a minimum, a traditional high-school diploma program, an accelerated credit recovery program, vocational training, and access to post-secondary options. Additionally, a recommendation was made to submit a plan for a single agency to be in charge of a statewide system for education transitional supports for children in custody.

TYJI subcontracted with Dr. Peter Leone, a national expert on the topic and Professor at the University of Maryland, to assist with the charge of transforming the education system for youth in out-of-home placement across the state of CT in collaboration with the JJPOC Education Committee. The technical support provided consisted of policy analysis, generating options for curriculum alignment, advance placement and credit recovery coursework, post-secondary opportunities, identifying models of best practice with regards to accountability and quality control for educational services and support, and funding and administration structure of educational services for incarcerated youth.

During the scope of this work, Dr. Leone traveled to CT on several occasions to conducted site visits at various facilities in CT. In April 2019, he visited Manson Youth Institute where he toured the facility, observed the education facilities and met with DOC leadership and USD#1 administrators. In June 2019 Dr. Leone returned to CT to tour the Hartford Detention Center and meet with leadership as well as administrators from the contracted educational service provider. During this visit, Dr. Leone also met with leadership at CSSD to discuss education services and later with leadership within the State Dept. of Education. Throughout this time, Dr. Leone joined several of the Education Committee and Subcommittee meetings via video conference. In October 2019, Dr. Leone returned to CT to present his preliminary recommendations to the JJPOC (See Appendix C).

The education committee established principles which were presented at the Oct. 2019 JJPOC meeting. Those principles consisted of the following:

- Standards for education services for incarcerated youth should be consistent with those for public school children in the state.
- Funding for services and supports for the education of incarcerated youth should be driven by a formula that takes into account the mobility, academic disadvantage, and the considerable number of youth who are English learners and who are eligible for special education services.
- One agency or division within an agency should have primary responsibility and authority for education services all incarcerated youth in the state.

- Transition of youth from local schools to state agency placements should be seamless. Expectations, responsibilities, and outcomes for agencies and personnel responsible for entry and reentry should be explicit and measurable.
- The agency or division within an agency should report annually on the operations of the education programs serving youth in the justice system.

The Education committee, with assistance from Dr. Leone, identified early on how vital it is that we understand what other states are doing and identify the elements in their models that may work in Connecticut. A few states such as Oregon, Missouri and Utah are leading the nation in their efforts to educate incarcerated youth. Missouri permitted the Division of Youth Services (DYS) under the Missouri Department of Services to obtain state education funding. As a result, the DHS now operates like a local school district. DHS bills local school districts or local education agencies (LEAs) for the costs associated with youth education. DHS can also grant high school diplomas, providing more meaning behind incarcerated youth's education. In 2017, DHS operated 30 facilities which served 1,535 youth; all youth were provided education. In Oregon, through a contract with the Oregon Department of Education, education is provided in all facilities and facilitated by a local school district or education service district. In Utah, the Utah State Board of Education funds education services for incarcerated youth who are in detention and commitment facilities. Utah's Board of Education has a Youth in Custody Program (YIC) that provides educational administration and support services for individuals under the age of 21 who are in custody. This program is facilitated by local school districts and these districts are eligible for two annual grants. An advisory council meets monthly to review and advise the YIC program.

DATA

Improving education in youth facilities is one of the best ways to improve an at-risk juvenile's life after they are released. Who are the children impacted by this reform and where are they detained?

- Children who are accused of committing a delinquent act before turning 18 and are detained prior to sentencing in a secure, state-run juvenile detention center (Bridgeport or Hartford Detention Centers).
- There is a capacity of 52 juveniles in Hartford's Juvenile Detention Center; 52 in Bridgeport.
- Children are also placed by CSSD in various community secure or staff secured residential facilities which consist of:
 - 16 in the secure region program in Hamden; 13 in the Journey House (secure girls only), 12 in the Boys & Girls village; 8 in the CT Junior Republic in Waterbury; and 8 in the Community Partners in Action Hartford
- In the most recent 2019 JJPOC strategic goals report there was a 53.5% reduction in detention since 2014.
- Children in either of the detention centers and or community secure or staff secure facilities are educated by the school district where the facility is located and or through a contract with the Judicial Branch.
- Children who are detained at DOC MYI or YCI have been prosecuted as adults for an act allegedly committed before they turn 18, and are jailed prior to trial or imprisoned after conviction. In the 2019 JJPOC strategic goals report in FY 18-19 there were:
 - 111 admissions which is inclusive of sentenced and pre-trial at MYI and have remained steady the past 3 years.
 - Annual admissions to YCI have remained at or below 10 for the past four years.
- Education at both MYI and YCI is provided by the DOC through Unified School District #1 (USD1), a district within DOC that is responsible for providing education across all DOC facilities.
- USD1 is funded through a direct appropriation from the state.

POTENTIAL IMPACT

The Education Committee is proposing recommendations that address concerns with overall coordination, supervision, provision and direction of all academic services and programs for youth in out of home placement. One of the recommendations addresses issues of fragmentation by recommending a singular administrative oversight body. DCF has February 19, 2021 (RVD)

experience with overseeing education in multiple types of settings, it is already an independent school district by statute, and in addition, the USD #2 is involved with the Families First Act and emphasized preventative practices.

By improving Connecticut's education system for incarcerated youth, Connecticut could see: higher education levels and overall substantially better life opportunities for incarcerated youth; a decrease in racial and ethnic disparities in the justice system; and decrease recidivism amongst at-risk youth. Overall, high quality education is one of the most effective crime-prevention tools.

<p>EDUCATION COMMITTEE RECOMMENDATION 2</p>	<p>JJPOC recommends that:</p> <ul style="list-style-type: none">A. The education unit within DCF for youth in juvenile justice facilities may employ transition specialists whose primary responsibility is to facilitate the successful transition of youth from their communities to secure facilities and then back to their local educational program upon release. These transition specialists shall:<ul style="list-style-type: none">1. Collaborate with receiving schools, youth serving agencies, employers, and other community supports to plan and manage successful transition.2. Manage to track educational credits of youth while in out-of-home placement and document the success of placements following youths' reentry into their communities.3. Be responsible for communicating with the reentry coordinators. This information will be used in reporting by the receiving district LEA or the district of nexus, if applicable.B. <i>Reentry coordinators</i> (established per PA 18-31 Sec. 7(q)) shall be responsible for obtaining records of youth in juvenile justice facilities and assisting in transfer of the records to the facility.<ul style="list-style-type: none">1. The list of reentry coordinators shall be distributed to system stakeholders, including DOC, DCF, CSSD and parents of students. This list should also be made public and displayed on the SDE website.2. SDE should implement and maintain a current list of reentry coordinators. This list should be reviewed and updated concurrently with the August 1st statutory guideline. In districts under enrollment of 6,000, an alternate will be identified to coordinate the reentry processC. An amendment to C.G.S § 10-253 (g)(7) & (g)(8) be made to read, "(7) When a child is not enrolled in a school district at the time of a juvenile justice out-of-home placement, <u>or upon discharge does not return to the same school where the child was previously enrolled.</u>" "(8) Upon learning that a child is to
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	<p>be discharged, the educational services provider for the facility shall immediately notify the jurisdiction in which the child will continue his or her education after discharge. <u>A child shall have the right to enroll in such school district immediately upon discharge into the community, as provided in subsection (7)."</u></p> <p>D. Legislation to require special education students in juvenile justice facilities, when at all possible, to be provided PPT meetings upon entry and in advance of their discharge to plan for their program and placement in their receiving school district. out-of-home placements, when at all possible, be provided PPT meetings upon entry and in advance of their discharge to plan for their program and placement in their receiving school district.</p> <ol style="list-style-type: none"> 1. For youth who are sentenced or given an order of probation supervision with residential placement, a transition PPT meeting should be held 30 days in advance of the youth's known date of discharge. Both the discharging and receiving school district shall participate in this PPT meeting and a person knowledgeable about the continuum of programmatic offerings available in the receiving district shall participate in the meeting.
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BACKGROUND

Transitioning youth back into their communities would not only be beneficial for the juvenile, but also to the community. All of the recommendations mentioned will only lead to youths' success. Designating coordinators in both settings are a vital element in creating successful transitions. Planning for transition should begin at entry into the juvenile justice setting. Youth should be involved in the discussion and planning of transition at each stage of the process. Ideally, prior to release or return to the community, youth should travel to the next placement (education, housing or treatment center, training program) and meet teachers or supervisors.

C.G.S. § 10-253 prescribes the school enrollment process for children discharging from detention into the community. Currently for children who seek to enroll in the same school district they were enrolled in at the time they entered the detention facility, the law mandates immediate enrollment. These students can start school without showing proof of prior transcripts, immunization records, special education records, or other paperwork. But for students who were not enrolled in school when they entered the detention facility, or for those whose school district changes upon discharge, the law does not provide for immediate enrollment in their new schools.

The laws concerning special education should be amended to ensure that specific transition Planning and Placement Team (PPT) meetings are provided for youth receiving special education services who are placed in the care and custody of the justice system so as to plan for a smooth and seamless transition back to the community. These meetings should include the youth's current school district or agency (the school responsible for their education during their court ordered placement, a.k.a, the "discharging" school or district.) and the school district to which the youth will be transitioning (a.k.a. "receiving" school district). These meetings are essential to ensure that special education youth in the care of the justice system receive an appropriate education upon their return to the community and do not experience any unnecessary lapse in their education.



DATA

Currently, legislation requires eligible school districts to “designate and maintain at least one employee as a liaison to facilitate transitions between the school district and the juvenile and criminal justice systems” and this information should be sent to CSSD yearly by August 1. By requiring the list of reentry coordinators to be distributed to DOC, DCF, CSSD, and parents of the students, the ability to communicate in the best interest of the child will be expanded and improved. By directing a supervisory authority (SDE) over implementation and maintenance of this list, updated information and will be provided on a yearly basis to further ease communication.

Studies show that excess free time is a leading factor in predicting reentry success. Studies also show that children engaged with school have less free time, more access to positive peer and adult supports, and increased internal motivation for successful reentry. Staff at the Department of Children and Families, juvenile probation officers, and attorneys at the Center for Children’s Advocacy have all expressed their concern that school enrollment delays are a major contributing factor in unsuccessfully reentry.

National data has clearly established that nearly 70% of the juvenile justice population have a disability; it is no secret that the vast majority of these youth have complex educational needs and require IEPs. It is therefore only best practice to ensure that identified special education youth have the benefit of advance education planning to ensure a smooth transition upon their re-entry to the community. Without this Transition PPT requirement, many youth are left without appropriate supports when attempting to transition back into their home school district. Enacting a proactive measure such as this, will help to ensure that special education students receive the supports that they need immediately upon their discharge from the care and custody of the justice system.

POTENTIAL IMPACT

The role of both transition specialists and reentry coordinators needs to be explicit, as they are responsible for obtaining records and ensuring credit for work completed while in juvenile justice school programs. By clarifying the roles, expanding avenues of communication, and encouraging collaboration, the student will be more supported as they ease into a transition. Schools that fail to comply with reentry provisions should receive notice from the OAG about their statutory obligations. Among other things, delaying reentry to youth who may be required to return to school as a condition of their probation or parole jeopardizes youths’ successful reentry and contributes to their vulnerability to continued justice system involvement. It will be beneficial to recognize the need for these roles in smaller school districts as well. An alternative designee to assist in transition and reentry for students can be, but is not limited to, a guidance counselor.

With this recommendation, support is ensured for immediate school enrollment for all students returning from to the community. Additionally, transition specialists can assist youth with employment training and opportunities if they are not returning to school. Support will also be provided to the detention facility’s educational service provider, reentry coordinator, and the school district liaison. Transition PPT meetings for special education youth in the care and custody of the justice system, particularly those youth who are post-adjudication/conviction, would help to ensure the free and appropriate education to which these youth are entitled pursuant to state and federal law is not interrupted or suspended after their discharge.

EDUCATION COMMITTEE RECOMMENDATION 3	JJPOC recommends that: A. The education unit within DCF for youth in juvenile justice facilities will ensure that sending and receiving schools and programs provide services and supports that maximize student’s success.
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	<ol style="list-style-type: none">1. Use a uniform system of state-wide electronic record transfers (i.e. Powerschool, PSIS) for maintaining and sharing educational records for all students, including court-placed youth in educational programs, to be overseen by a Directory Manager as designated by DCF and align with the IEP Task Force.B. A student's home district should be mandated to offer home district diplomas earned by students 17 and above graduating while in educational programs for court-placed youth who meet the statutory graduation requirements. If no nexus district can be determined, DCF will participate in the determination of credits and facilitate in the issuance of a diploma. There should be flexibility and collaboration in this process with the student's home district and special school districts.C. State-wide expectations should be established for ensuring credit transfers/partial credit transfers.<ol style="list-style-type: none">1. Classroom hour-to-credit conversion should be standardized.2. Credits should be awarded as soon as possible, but no later than 30 days of the transfer to the home district.3. At intake, it is recommended that a review be done of the student's transcript and attendance records to determine educational requirements up to graduation. Credits should be transferred from the home district within 5 school days of students' placementD. A timeframe should be established for updating educational records pre-discharge.<ol style="list-style-type: none">1. At a minimum, educational records should be up-to-date per marking period, as well as immediately upon discharge.
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BACKGROUND

Quality education is essential in order to successfully integrate youth into their communities and prompt them to be productive members of society. In general, youth in the justice system tend to be the least academically competent, yet there is a substantial amount of evidence supporting the notion that higher education decreases rates of recidivism and re-arrests. It is essential that all of the programs and departments work together to improve the lives of juveniles after they are released.

Currently, there are discrepancies between the way Hartford and Bridgeport Detention Centers handle educational services, as well as the differences between districts and their methods of unit testing. There is also inconsistency from school district to school district about what districts will accept partial credit and how much.

DATA

A uniform system of state-wide electronic record transfers, such as Powerschool, will allow for easier maintenance and sharing of educational records for all students. Powerschool, used by a majority of school districts in Connecticut, has the ability to accomplish this goal with the appropriate license/version. Every student is given a state ID (SASID), which can be used as the universal record identifier to facilitate easy transfer of information across districts. Similar to other districts, this

system will be overseen by a Directory Manager as designated by the school district. This work is already being done specific to special education records and this work should be aligned with the IEP Task Force.

POTENTIAL IMPACT

There are many benefits to increasing educational opportunities toward graduation for court-placed youth. Many incarcerated youths would like to receive their diploma from their home district compared to a state diploma because it brings a deeper meaning to the youth and their community. To successfully accomplish this, it is necessary that the home school districts work seamlessly and collaboratively with the special school districts. By standardizing classroom hour-to-credit conversion and establishing timeframe expectations, transferring credits between districts will be simplified for all. The timeframe of credit transfer to the home district within 30 days reinforces the current legislation. Credits should be awarded as soon as possible, but no later than 30 days of the transfer to the home district.

However, there are some challenges recognized by this workgroup. One challenge is that there are different graduation requirements across school districts, which makes consistency difficult. There are challenges to FERPA, HIPPA, and funding. Luckily, these challenges are not different from those that other students face within, Connecticut which means that these challenges should not hinder to strides being made. To combat this challenge, there are new graduation requirements starting with the class of 2023 students, which provides a window to standardize requirements across all districts.

EDUCATION COMMITTEE RECOMMENDATION 4	<p>JJPOC recommends that:</p> <ul style="list-style-type: none">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.
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BACKGROUND

During the 2018-2019 academic year, the Office of the Child Advocate (OCA) received numerous concerns about local law enforcement involvement with Waterbury Public Schools. Law enforcement's responsibility during these encounters was to address the behavior of young students, specifically young students who had disabilities. Due to these allegations, OCA decided to conduct a formal investigation and released a report in September 2020 (See appendix D). OCA reviewed the calls made to Waterbury Police Department by Waterbury Elementary schools that dealt with students' behavioral issues. This February 19, 2021 (RVD)

investigation found that approximately 200 calls were made. One possible reason for this is that school administrators are concerned, overwhelmed and under-resourced and rely on law enforcement to handle youth crises. The OCA report provides evidence to support the need to report and collect information on 911 calls in public schools.

Law enforcement's relationship with public schools poses concern as research has shown that trauma can alter the structure and functioning of a youth's brain, leaving them in a constant state of emergency. Early interaction with law enforcement can cause such trauma and irreversibly affect youths' mental abilities and chemistry permanently. Moreover, youth who are placed in the juvenile justice system typically have witnessed and/or directly experienced traumatic events, experience deprivation, have mental health conditions or disabilities, or have been victimized. As a result, using law enforcement as a first responder can be extremely problematic. Law enforcement officers are not sufficiently trained in dealing with children who have disabilities and have no direct connection to mental health providers or response teams. By virtue of their job description, police authority is generally limited to making a determination as to whether an offense has been committed then making an arrest if appropriate.

On a national level, many conversations are taking place about the role of police in schools. There is an over-reliance on police to provide security and behavioral management, and the use of police for these purposes has been prioritized over a child's mental health, mentorship, ability to develop strong relationships with teachers, and access to human services. This increased reliance disproportionately affects children of color and students with disabilities. This trend needs to stop in order to ensure youth's wellbeing and keep them away from the juvenile justice system.

DATA

The OCA investigation found that 18% of law enforcement interventions led to a student arrest associated with a child's act of aggression or verbal threat. These children were handcuffed and sent to the police station for processing. Nine of these children were eleven and under and comprised of misdemeanor charges. Furthermore, children as young as 4 and 5 were subjects of the 911 calls. OCA also found that more than 50% of schools called police instead of Emergency Mobile Crisis intervention teams. According to the OCA report, more than 40% of police reports noted that the youth were banging their heads, tying things around their neck, and expressing wanting to end their lives. These same youth were handcuffed, further traumatizing them. In addition, the schools that reported the most police calls also reported the highest number of school suspensions. Two schools that reported having special resources to address children with behavioral health needs also had 370 school suspensions and police calls in the 2018-2019 school year. This points to the ineffectiveness of a school's support structure to deal with these types of instances. As a way to retrieve a fuller statewide picture, review of 911 calls should include time of call, the reason for call, and other de-escalation strategies and interventions used prior to the call.

CHDI currently collects data on all 211 calls, including those from public schools. CHDI's method and framework of data collection can serve as a model to collect data on 911 calls. The JJPOC can collaborate with CHDI and DCF to review all 211 calls made by public schools. This data would be reviewed on a bi-annual basis by the JJPOC Education Committee and should be disaggregated by age, gender, race, disability status, and disability/educational classification.

POTENTIAL IMPACT

Data collection of 911 and all police calls can provide further insight into interactions between youth and law enforcement in school settings. Through the OCA report, it has been revealed that education systems in Connecticut might rely more on law enforcement than is optimal. There are currently existing data collection efforts regarding school-based arrests and restraint/seclusion of children.

A pilot program regarding 911 calls from the 10 Opportunity Districts (Hartford, Bridgeport, Waterbury, New Haven, East Haven, Derby, Norwich, New London, East Hartford, New Britain) to their local 911 jurisdictions would meet the needs of this recommendation. Given the individual school numbers, the documentation of 911 calls should not be an onerous requirement. Data—such as age, race, ethnicity, and disability status—would likely be in the individual Public Safety Access Points

(PSAPs), or 911 centers, in computer-dispatch records. Data from the corresponding police jurisdictions could be provided directly to the JJPOC through the Tow Youth Justice Institute (TYJI) for review and analysis. An MOU between JJPOC/TYJI and each 911 jurisdiction would allow the data to be assembled and provided without personal identifiers (names, addresses, or specific dates of birth). TYJI researchers could then analyze the data (compared with the 211-call data already under review) and present the analysis and information to the JJPOC.

This recommendation is necessary to track given the impact on students and staff, bias that may impact reliance on 911, and public cost of emergency interventions. Beginning to collect and analyze this data may also have a deterrent effect and encourage school officials to seek other avenues of help before contacting law enforcement. Overall, this recommendation serves as a stepping stone to understanding the relationship between youth and law enforcement as well as the relationship between schools and law enforcement. Data collection and subsequent data review will also be crucial in ensuring that schools have the internal and external/community resources to effectively provide for their students' needs to and to preclude unnecessary involvement of, and reliance on, the police.

<p>EDUCATION COMMITTEE RECOMMENDATION 5</p>	<p>JJPOC recommends that:</p> <ul style="list-style-type: none">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:<ul style="list-style-type: none">1. Preschool through second grade with an implementation plan to be delivered by January 2022 with an effective date of July 2022B. 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:<ul style="list-style-type: none">1. Third grade through eighth grade2. Ninth grade through twelfth gradeD. 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<ul style="list-style-type: none">1. Connecticut State Department of Education,2. representation from the State Board of Education Accountability and Support Committee,3. Head of Superintendents Association, Parent Representation or Chair from Special Education Advisory Committee,
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	<ol style="list-style-type: none"> 4. Representative from Disability Rights Connecticut, 5. Special Education Equity for Kids in CT (SEEK-CT), 6. Children Health Development Institute, Center for Children’s Advocacy, and Connecticut Youth Services Bureau Association. <p>E. 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. The implementation plan shall identify:</p> <ol style="list-style-type: none"> 1. Phase-In plan as noted in A-C of the recommendation 2. Funding and phase in 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. family engagement; 7. screening for health and mental health concerns; and 8. strengthening connections to community-based services and supports including trauma-informed mental health interventions <p>F. SDE shall be adequately funded and resourced to accommodate for its expansion as outlined in the implementation plan</p>
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BACKGROUND

Connecticut has made great leaps forward in educational reform efforts. For example, in 2015, Connecticut was the first state in the nation to pass legislation (PA 15-96) banning suspension or expulsion of children in preschool through the 2nd grade. This legislation excluded instances where a child’s conduct was of a violent or sexual nature. PA 15-96 was passed as a direct result of the Connecticut State Department of Education’s (CSDE) report that showed a 10.6% rise in suspensions of children under 7 years of age from the 2012-2013 to the 2013-2014 academic year. Though this reform was a great step in the right direction there is still more positive progress to be made.

In 2018, Center for Children’s Advocacy, Child Health and Development Institute of Connecticut, Inc. and the Office of the Child Advocate produced a policy issue brief “*Setting Young Children Up for Success: Decreasing Suspensions by Investing in Social and Emotional Development*” with its goal to “provide best practice strategies, including local examples of effective models that will decrease the number of young children excluded from school through recommendations that will also improve children’s social-emotional development and capacity to learn” (See Appendix H). The targeted interventions and approaches focus on training for school personnel, implementation of alternative in-school disciplinary practices, family engagement, screening for health and mental health concerns, and strengthening connections to community-based services and supports including trauma-informed mental health interventions.

The most recent CT education data supports the need for ongoing work and demonstrates that implementation of PA. 15-96 is not consistent in our educational system and in fact suspension and expulsion continue at a higher rate for children of color.

DATA

From EdSight in 2018-2019, there was a concerning total of 48,432 in-school suspensions statewide (Bridgeport- 3,298; Hartford- 2,971; New Haven- 609; Waterbury- 4,593). In the same year there were 32,681 out-of-school suspensions (Bridgeport- 2,810; Hartford- 2,658; New Haven- 2,154; Waterbury- 4,808) and 745 expulsions state-wide (Bridgeport- 41; Hartford- 80; New Haven- 22; Waterbury- 21).

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.
- 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.

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%

POTENTIAL IMPACT

A study was conducted and published by the National Bureau of Economic Research suggesting that suspensions were the result of policies rather than student populations. Students who were assigned to a school that had a one standard deviation higher suspension rate were 15-20% more likely to be arrested or incarcerated as adults and less likely to go to college. Male minority students were more negatively affected by stricter school policy than any other demographic. There is a disproportional use of suspensions on black, economically disadvantaged students as well as students with disabilities. Not only is disciplinary action adversely affecting children, it affects taxpayers as well. The use of disciplinary action costs taxpayers billions of dollars nationwide due to children’s low earning potential, diminished health, and greater likelihood of becoming involved in the justice system, according to a 2016 study from the UCLA Civil Rights Law Project.

Moving away from suspensions and expulsions of youth at school will shift Connecticut’s focus to training school personnel, the implementation of alternative in-school disciplinary practices, family engagement, screening for health/ mental health concerns and strengthening connections to community-based services and support systems. It is essential to reduce the number of suspensions and expulsions that occur in elementary schools as such disciplinary action can have life-long consequences for youth.

VI. 2020-2021 RECOMMENDATIONS IN DETAIL FROM THE INCARCERATION WORKGROUP

Goal: Reduce incarceration.

Connecticut is committed to ensuring that youth who are committed to confinement are held accountable through individualized rehabilitative services, treated with fairness and dignity, and offered the support needed to mature into healthy and productive members of our communities.

<p>INCARCERATION WORKGROUP RECOMMENDATION 1</p> <p>Submitted in accordance with the requirements of Public Act 19-187(r).</p>	<p>JJPOC recommends that:</p> <p>A. The laws on juvenile transfer be amended to limit both the number of cases eligible for mandatory and discretionary transfer in order to decrease the population of youth in the adult criminal justice system (See Appendix B).</p> <ol style="list-style-type: none"> 1. Cases with A felonies remain as automatic transfers 2. Cases with B felonies be removed from automatic transfers and, instead, receive a discretionary hearing 3. Cases with C, D, E, or unclassified felonies be removed from transfers entirely. 4. The criteria for transfers to the criminal justice system be amended to specify the need of presenting an imminent risk of death or serious physical injury to the public. <p>B. A “second look” provision be adopted for all youth transferred to adult court who receive sentences of incarceration. This “second look” will require a sentence review within 50% of their sentence, or by their 18th birthday (whichever comes first) to determine the need for continued incarceration.</p>
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BACKGROUND

In response to the requirements in Public Act 19-187, enacted in 2019, the Incarceration Workgroup reviewed the information provided by the Center for Children’s Law and Policy on the “methods other states employ to (1) transfer juvenile cases to the regular criminal docket, and (2) detain persons fifteen, sixteen and seventeen years of age whose cases are transferred to the regular criminal docket,” as well as research on the “outcomes associated with such transfers, including the impact on public safety and the effectiveness in changing the behavior of juveniles.”

While statutes allowing for transfer to adult court were widely adopted in the 1990s out of fear of a juvenile crime epidemic, that epidemic never materialized. Indeed, juvenile crime rates have fallen significantly nationally and in Connecticut during the past decade. Nevertheless, these statutes have remained on the books – even as studies have documented the poor outcomes associated with transfer to adult court. For example, a 2010 Task Force established by the U.S. Department of February 19, 2021 (RVD)

Health and Human Services and conducted a systematic review of studies of the effectiveness of transfer on preventing or reducing violence and found that transfer to adult court was a “counterproductive strategy for preventing or reducing violence,” with young people transferred to adult court reoffending at significantly higher rates and for more serious offenses than similarly situated youth who were adjudicated in the juvenile justice system.¹

DATA

During the last decade, Connecticut has made several legislative changes to limit the use of transfer to adult court, including raising the age of juvenile court jurisdiction to include youth charged with crimes up to age 17. Offenses that require handling in adult court, what are known in Connecticut and other states as mandatory or automatic transfers, have also been limited. These changes have contributed to a 92.5% reduction in admissions of youth under 18 to Department of Correction custody between FY 2009 and FY 2019 (1,608 vs. 121 admissions).

Nevertheless, a small number of youth under 18 continue to be charged and sentenced as adults, notwithstanding the findings of the research described above. The vast majority are youth of color. In 2018, DOC reported that 79% of admissions of youth under age 18 were youth of color. However, as DOC has acknowledged, data capacity and data collection limitations within the Department mean that this is almost certainly an undercount of youth of color. Notwithstanding the likely undercounting, this is a point of extreme racial and ethnic disparity within Connecticut’s justice system.

POTENTIAL IMPACT

The intent of this recommendation is to continue the effort to align Connecticut’s approach to youth charged with crimes with research on the approaches that are likeliest to achieve positive public safety outcomes and long-term behavior change among young people.

Although Connecticut has significantly reduced the use of transfer to adult court, a trend consistent with other states, state law still allows for the mandatory transfer of youth to the adult criminal justice system for certain charges, as well as discretionary transfer to the adult criminal justice system for other offenses. This is despite the fact that studies have not found that transfer is an effective deterrent to crime. Indeed, those studies have generally found that youth transferred to adult court re-offend at higher rates and for more serious offenses than youth with similar charges and backgrounds whose cases are handled in juvenile court.²

Moreover, Connecticut reflects national trends and trends in other states in that youth of color are overrepresented among youth transferred to adult court. This means that youth of color disproportionately experience the negative outcomes associated with transfer. That is to say, the current transfer laws disadvantage youth of color by making it more likely that, because of their handling in the adult criminal justice system, they will re-offend more frequently and re-offend for more violent offenses. This may result in a higher likelihood of future and more extensive contact with the criminal justice system.

In recent years, more and more states have moved to restrict the use of transfer to adult court, as well as retain youth who are charged and sentenced as adults in the juvenile justice system up to age 18 or above.³ For example, the Oregon Youth

¹ See Hahn et al., *supra* note 1.

² See, e.g., Robert Hahn et al., *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, Task Force on Community Preventive Services (2010); Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (2010).

³ Pilnik, L. & Mistrett, M. (2019) “If Not the Adult System Then Where? Alternatives to Adult Incarceration for Youth Certified as Adults,” Campaign for Youth Justice (Washington, DC).
February 19, 2021 (RVD)

Authority is a state-level executive-branch agency whose mission is to “protect[] the public and reduce[] crime by holding youth accountable and providing opportunities for reformation in safe environments.”⁴ OYA is responsible for youth age 12 to 24 who commit crimes before the age of 18. OYA houses youth charged and sentenced as adults, including a sizeable population of 18 to 24-year-olds charged with a violent felony and other serious offenses. OYA does so because of data demonstrating better public safety outcomes and better evidence of behavior change among youth when they are retained in the juvenile justice system as compared with similarly situated youth who were transferred to the adult corrections system.

In July 2019, in part due to the outcome data mentioned above, Oregon passed legislation to roll back its adult transfer and sentencing laws that were implemented in 1995. The legislation, known as Senate Bill 1008,⁵ returns jurisdiction for all charges to the juvenile justice system. In order to move a youth’s case to the adult court system, prosecutors must request a waiver hearing before a judge who decides whether the case should be transferred to adult court. Additionally, the legislation creates a “Second Look” process that allows judges to determine if further incarceration is appropriate for youth who are convicted in adult court and sentenced to more than 24 months incarceration, both at the halfway point of their sentence and prior to being transferred to the adult Department of Corrections at the age of 25 (if a youth’s sentence extends beyond that point). The legislation had bipartisan support and had a broad-based of supporters in Oregon, including the Oregon Youth Authority, the Department of Corrections, and the Attorney General.

Although Senate Bill 1008 does not eliminate the possibility of transfer to adult court for youth under age 18 in Oregon, it does ensure that any case originates in the juvenile justice system – the system that was designed to meet the unique developmental needs of youth. If Connecticut retains some form of transfer to adult court, adopting a similar framework as Senate Bill 1008 would be a step toward aligning state law with the research and best practices discussed above.

Connecticut can look to a number of states for legislative and procedural guidance on the creation of such an entity, including Florida, Illinois, Louisiana, and Oregon. However, the process would mirror the collaborative process undertaken when officials were charged with the implementation of Raise the Age in Connecticut.

INCARCERATION WORKGROUP RECOMMENDATION 2	JJPOC recommends: A. Legislation be proposed to provide the automatic erasure of certain juvenile records, and elimination of the petition requirement that exists in current law which youth and families rarely avail themselves of. Specifically, this proposal would do the following: 1. It would provide for automatic erasure of juvenile records after the existing statutory waiting period of two years and fulfillment of the requirement that there be no additional offenses, for any juvenile offense that is not a serious juvenile offense.
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⁴ For more information, visit the Oregon Youth Authority’s homepage at https://www.oregon.gov/oya/Pages/about_us.aspx.

⁵ Oregon Youth Authority, Governor Signs Senate Bill 1008 into Law (July 22, 2019), available at <https://insideoya.com/2019/07/22/governor-signs-senate-bill-1008-into-law/>.

	<ol style="list-style-type: none">2. It would still require youth with serious juvenile offenses to petition to have their records erased after the existing required four year waiting period.3. It would not impact the ability to petition earlier by requesting a hearing for good cause for any youth with a record.
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BACKGROUND

Connecticut's juvenile justice system is intended to be rehabilitative and give youth a second chance. However, records of juvenile delinquency, though confidential, still serve to negatively impact youth in Connecticut. They are accidentally or inadvertently reported, resulting in negative outcomes and the exclusion of these youth from educational or employment opportunities that would otherwise be open to them. Although the majority of youth who are involved in the juvenile justice system do not enter the criminal adult system, the impact of juvenile offenses follows them with negative collateral consequences, often interfering with their opportunity to pursue the military, government positions, certain classes of employment and higher education.

Current law requires youth to affirmatively petition to have their record erased. Many youth and families are unaware of this procedure and simply do not access it. By providing for automatic record erasure, youth who have been involved with the juvenile justice system will be protected from any disclosure that could cause future harm. It is important to note that under Connecticut law, youthful offenders, who have committed crimes that are more serious in nature, mandating adult court involvement, already have the benefit of automatic erasure of their record from adult court when they reach the age of 21 years old, if they have not subsequently been convicted of a felony.

States such as Illinois and Colorado provide for automatic expungement of similar juvenile offenses with shorter waiting periods (60 business days or one year or less, respectively); Iowa provides for automatic sealing of any misdemeanor adjudications by a juvenile, which is similar to expungement, but may be opened only by court order.⁶

DATA

Given the confidential nature of the records at stake, data on disclosure is not readily tracked or available. However, here are real- life examples from two youth whose records negatively impacted their future.

- John had always had the dream of becoming a member of the armed forces. In corresponding and speaking with a recruiter, the recruiter discovered John had been arrested as a younger teen. This led him to asking John to take him to the juvenile court to check on the status of his records there; John wanted to be forthright with the recruiter and felt he had no option but to accompany him to the juvenile court where his records would be disclosed.
- Andrew was arrested at 17 on adult charges through some unfortunate associations with older youth. While locked up, he was considered for transitional supervision (TS), to be released into the community prior to the end of his sentence. He had always been compliant while incarcerated and had no disciplinary tickets against him. However, his juvenile record involving an arrest in a school-related conflict and misunderstanding when he was in the eighth grade was found by DOC and used to deny him TS. Andrew was understandably confused – he had been advised by his attorney this information would be confidential and that he could represent that it didn't happen.

These youth would not have had these unfortunate impacts on their futures if they had the benefit of automatic erasure.

⁶ For more information, see the *Clean Slate Clearinghouse* online found at: <https://cleanslateclearinghouse.org/compare-states/> February 19, 2021 (RVD)

POTENTIAL IMPACT

The current structure within the court support services division would require only minor adjustments to the existing system. The potential benefit of such a change far outweighs the cost and would continue to put Connecticut at the forefront of juvenile justice reform nationally.

<p>INCARCERATION WORKGROUP RECOMMENDATION 3</p>	<p>JJPOC recommends:</p> <ul style="list-style-type: none"> A. A bill in the General Assembly which reads, “Beginning July 1, 2021, telephone services or any other telecommunications services provided to a child confined in a correctional facility or transferred to DOC shall be provided free of charge” B. Beginning July 1, 2021, a committee be established to study phone call rates and commissary needs for all youth, 18-21 years of age, confined in Connecticut correctional facilities, and such committee shall make recommendations to the General Assembly and Department of Administrative Services prior to the renegotiation of the current prison phone services contract set to expire March 1, 2021.”
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BACKGROUND

For imprisoned children in a Connecticut correctional facility, regular contact with family helps support the child’s re-entry and reduces recidivism rates. This is because regular family engagement helps imprisoned children process previous criminal choices, cope with prison conditions, encourages children to engage more effectively with their prison treatment programs, and helps them plan for their re-entry together with their families. Family engagement also allows prison officials to expand and see better results from existing re-entry programs, a priority of the JJPOC. This proposed legislation will eliminate phone call costs and increase family engagement for imprisoned minors. It also helps the JJPOC align Connecticut law with surrounding states and national reentry best practices.

DATA

Connecticut ranks 49th in the nation for the cost of a fifteen-minute phone call, and in interviews with youth at MYI and other Connecticut correctional facilities, the youth said the high cost of phone calls was hurting their ability to engage with their families and plan for their reentry. Other jurisdictions have recognized this problem and taken steps. In 2019, New York City made prison phone calls free for all inmates. Massachusetts, Vermont, and New Hampshire have reduced costs for a fifteen-minute phone call to \$1.50, \$1.04, and \$.20, respectively, compared to Connecticut’s cost of \$4.87 plus fees. New York, New Jersey, and Rhode Island have taken steps to prohibit revenue kickbacks to the state in vendor phone contracts, something the current Connecticut contract allows. Despite the negative policy implications for the state, and the high costs for families, the annual cost of making phone calls free for children is modest (estimated \$50,000 - \$75,000).

POTENTIAL IMPACT

With this bill, the JJPOC would take steps to increase youth voice, family engagement, and reduce recidivism. It would increase youth voice without major policy changes and at a reasonable cost. In short, this bill would prohibit the state from charging children for phone calls and would require the JJPOC to explore changes to any future phone services contract before the current contract expires with the vendor on March 1, 2021. The JJPOC would be supporting reentry for hundreds of Connecticut youth by adopting reentry best practices more in line with surrounding states. And for lawmakers who have had concerns with previously proposed legislation that reduced phone costs for all persons imprisoned in Connecticut, this bill limits the lost revenue by solely targeting minors and does so without breaking any current contracts.

INCARCERATION WORKGROUP RECOMMENDATION 4	JJPOC recommends that: A. Legislation be passed to ban use of all chemical agents on youth under the age of 18 by January 1, 2022. 1. The Department of Corrections should develop alternatives in place of chemical agents.
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BACKGROUND

Currently, the Department of Corrections uses chemical agents as part of a continuum of population management and facility security strategies. Chemical agents immediately impairs a person's ability to see or breathe while possibly inducing other physiological reactions, such as body spasms, hypertension, or a burning sensation. In following the updated OCA report on the conditions of confinement at Manson Youth Institution (MYI) and York Correctional Institution (YCI), a lot of attention has been brought to the issue of the use of chemical agents on incarcerated youth (See Appendix E). The MYI and YCI are reexamining policies and procedures and, as a result, has decreased the use of chemical agent. OCA's most recent report found that chemical agent continues to be used with youth who have psychiatric and respiratory disorders/conditions.

According to the National Institute of Corrections' Desktop Guide to Working with Youth in Confinement, "Use of pepper spray puts the health of youth at risk: chemical agents generate adverse physical reactions that can be exacerbated in secure settings with poor ventilation, causing potential harm to youth and staff, even if they are not direct targets of its use. Children with asthma and other health problems are at particular risk, as are those who are taking psychotropic medications. Studies conducted on the adult population further indicate that the use of pepper spray on those with mental illness may increase violent behavior and a worsening of the mental health condition. Moreover, the use of chemical restraints, like mechanical restraints, can traumatize youth and undermine their rehabilitative efforts."

DATA

The majority of states prohibit the use of chemical agents in juvenile facilities. There is reason to believe that the effects of chemical agents are more pronounced in children and confined settings. Department of Justice (DOJ) has noted there are constitutional boundaries to its use.

In 2018, OCA found that among youth subjected to chemical agents were youth with psychiatric disabilities and asthma. OCA found that during an 18-month period (January 1, 2017 - July 1, 2018), 39% of the youth population at MYI who had experienced cell restriction had also been subjected to a chemical agent. Between February 11, 2019, and November 6, 2019, there were 18 boys subjected to chemical agent during 11 incidents (a decrease of 1 incident from 2018). Twelve boys subjected to chemical agent were Black, five were Hispanic and one youth was White. All incidents leading to the use of chemical agent involved youth fighting each other. Several boys subjected to chemical agent were boys with psychiatric disabilities and/or asthma.

POTENTIAL IMPACT

Following the OCA's January 2019 Conditions of Confinement report and in response to subsequent recommendations made by the JJPOC, Conn. Gen. Stat. § 46b-133k was enacted, requiring that of August 1, 2020, and "monthly thereafter," the DOC must report to the JJPOC "each instance, if any, of use of chemical agents or prone restraints on any person ages seventeen years of age or younger." The new law also requires that the DOC develop, in consultation with the Department

of Children and Families, “a policy of best practices in...correctional facilities where persons ages seventeen years and under are detained,” addressing, in part, the “[h]armful effects of using chemical agents and prone restraints on detained persons, including limiting and documenting the use of such chemical agents and limiting the use of prone restraints.” It is recommended that DOC, in consultation with the Department of Children and Families, and where needed, national experts, continue their development of adolescent engagement, therapeutic and behavior management policies that reflect best practices for youth, their health, and well-being, and ensure that staff are trained and supported in utilizing alternatives to chemical agent with minors.

VII. 2020-2021 RECOMMENDATIONS IN DETAIL FROM THE RACIAL AND ETHNIC DISPARITIES WORKGROUP

Goal: Reduce racial and ethnic disparities.

Connecticut is committed to eliminating racial and ethnic disparities of justice-involved youth to ensure fairness and equity for all youth. The Racial and Ethnic Disparity Workgroup, a legislatively-created committee of the JJPOC, promotes effective efforts to eliminate racial and ethnic disparities for youth in Connecticut’s youth justice system and other youth-serving systems by recommending legislation, proposing policies and promoting transparency and accountability among state and local stakeholders.

<p>RACIAL AND ETHNIC DISPARITIES WORKGROUP RECOMMENDATION 1</p>	<p>JJPOC recommends:</p> <ul style="list-style-type: none"> A. The provisions of C.G.S. § 54-1m be extended so that racial profiling data is collected on all police stops, whether traffic or pedestrian, giving a full and complete picture of any racial profiling that takes place in the state B. The co-chairs of the RED Workgroup should present this recommendation to the Connecticut Racial Profiling Advisory Board and collaborate with the advisory board to further define “pedestrian stop” and establish a method for analyzing and reporting the findings to follow the precedent of the current approach with traffic stop reports.
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BACKGROUND

In Connecticut, there is an ongoing concern about racial profiling. Youth are consistently stopped by law enforcement, yet there is no data to determine if these stops were motivated by race or ethnicity. Furthermore, youth of color have complained about being harassed by law enforcement just for walking down the street or meeting with friends. This has led to youths’ negative perceptions of law enforcement.

As of now, data is only provided for racial profiling that occurs at traffic stops, omitting racial profiling at pedestrian stops. Racial profiling at pedestrian stops must be reported as substantial evidence supports the finding that youth in Connecticut come in contact with law enforcement on the street rather than driving. National studies have reported the intense and damaging impact of repeated stops by police. Because of this, there is an urgent need to look closer at data that captures these experiences, which can lead to the emotional and mental trauma of youth.

In 2012, Connecticut passed the Alvin Penn Law, an anti-racial profiling law, mandating specific data collection, including the race, color, ethnicity, age, and gender of individuals stopped for traffic stops. This law was designed to uncover whether racial

profiling was/ is occurring and to what extent. While this is a step in the right direction, there is a need to report all police encounters and to encompass youth stops. In order to address youths' needs and examine the racial disparities in the system, Connecticut needs to start reporting racial profiling during pedestrian stops to achieve a more comprehensive image of law enforcement's interaction with youth. As a result, the aforementioned anti-racial profiling law should be amended to accurately reflect all police encounters to see what the data yields.

The Center for Children's Advocacy, the Center for Children's Law and Policy, the Institute for Municipal and Regional Policy, and the Racial and Ethnic Disparities workgroup of the JJPOC have collaborated on ways to address disproportionate minority contact and improve data collection efforts. Additionally, the Connecticut Racial Profiling Advisory Board can further assist in defining "pedestrian stop" and establish a method for analyzing and reporting the findings, which would follow similar steps taken with the traffic stop reports.

DATA

Currently, in Connecticut, racial profiling data is collected on traffic stops made by law enforcement. This data is helpful; however, it is limited to only traffic stops. No data is collected on pedestrian stops. As a result, there is a huge gap in research and data collection that addresses racial profiling that takes place during pedestrian stops. Solely collecting data on traffic stops omits any information on the impact of youth under 16 or youth who do not drive.

There are a few other jurisdictions that collect data on pedestrian stops. For example, the Boston Police Department collects data on pedestrian stops through their report program called Field Interrogation and Observation Encounter. The New York City Police Department collects similar data on pedestrian stops through their database, "Stop, Question and Frisk". Additionally, the Metropolitan Police Department of the District of Columbia is required to document pedestrian stops, facilitated by their Stop Data program. In addition, two lawsuits were filed against the Milwaukee Police Department in Wisconsin, and the Madison County Sheriff's Department in Mississippi and the outcome of both cases resulted in having to report pedestrian stop data. Specifically, the Milwaukee Police Department is required to report their pedestrian stops semi-annually due to their lawsuit.

On a broader scale, some key states have begun to track law enforcement's pedestrian stops. These states include California, Colorado, Illinois, Oregon, Wisconsin, and Mississippi. California mandates every law enforcement agency to collect and report pedestrian stops by 2023. The eight largest agencies in California were asked to submit their data in 2019. Colorado requires every law enforcement agency to annually report pedestrian stops. Illinois requires every department to report pedestrian stops through their IDOT data collection system. Oregon law requires every law enforcement agency to report pedestrian stops by 2021.

POTENTIAL IMPACT

Law enforcement in the United States conduct millions of vehicle and pedestrian stops each year. Despite the high occurrence of stops, there is little information about them, including their efficiency in ensuring public safety and their impact on the community. The data collection of pedestrian stops can benefit society and provide insight on the effectiveness of policing strategies, group disparities, the degree of group representation and any outliers in officer behavior. This recommendation would extend the provisions of C.G.S. S 54-1m that would generate racial profiling data on all police stops, traffic and pedestrian. This extension will provide a complete picture of racial profiling in the state of Connecticut.

Repeated stops of youth by law enforcement have shown to cause anxiety, trauma, or lower educational performance in these youth. In 2014, a study displayed in the American Journal of Public Health found that young men who reported police contact, specifically more intrusive contact, experienced higher levels of anxiety and trauma. Another study was conducted in 2019 by Joscha Legewie and Jeffrey Fagan found that aggressive policing can cause a decrease in educational performance of some minority children and can cause an impact on their educational trajectories. An intrusive stop, in general, can cause heightened anxiety and PTSD.

Data about pedestrian stops of young people should also help public officials and community members understand where there may be needs for additional services or supports to reduce unnecessary contact with law enforcement (e.g., diversion programs, crisis intervention services). Given the negative consequences associated with law enforcement contact for youth, as referenced in the research above, these data will also help ensure that jurisdictions throughout the state are working to reduce unnecessary law enforcement interactions with youth through training, policies, and actual practices. Because the research documents then negative consequences of police contact, we expect that reduced contact will mean that fewer youth will experience those adverse outcomes.

VIII. 2020-2021 RECOMMENDATIONS IN DETAIL FROM THE COMMUNITY EXPERTISE WORKGROUP

Goal: Integrate Community Voice

Connecticut is committed to engaging community voice into the work of the JJPOC. Youth with first-hand experience, parents, and community members are encouraged to provide feedback on police and legislation.

COMMUNITY EXPERTISE WORKGROUP RECOMMENDATION 1	JJPOC recommends that: A. The General Statutes be amended to increase the membership of JJPOC by two community members and two youth (must be under 26 years of age) with first or second-hand justice system involvement. Funding should be provided for stipends, transportation, and child care to enable member attendance.
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BACKGROUND

The Juvenile Justice Policy and Oversight Committee's mandate is to create and evaluate policies and practices related to the juvenile justice system. To date, those who are directly impacted by the system have not been a priority when it comes to appointing seats at the JJPOC table. The Community Expertise Workgroup's role is to identify and suggest ways to overcome the barriers to equal, sustainable participation with JJPOC work by those who have first-hand experience with the juvenile justice system. In the most recent JJPOC strategic plan, the inclusion of directly impacted youth and family voices were highlighted as a goal. In an effort to meet this goal, the inclusion of youth and community membership can assist in examining the operations of the JJPOC and eliminate barriers to their participation.

POTENTIAL IMPACT

Solidifying permanent seats at the JJPOC for directly impacted youth and families will strengthen the work and productivity of the JJPOC. When discussing ways to improve juvenile justice policies, practices or procedures, including those who will be affected by these changes would ensure that we are taking into account each and every way that our decisions will affect communities. Having youth and family members as full appointed members of the JJPOC is important as we work to make sure that we are working with representatives from these directly impacted communities authentically in this decision-making process. This partnership will ensure that future juvenile justice recommendations are created in direct partnership

with directly impacted youth and families. In addition, having directly impacted youth and family members join the JJPOC will give them the opportunity to utilize their personal expertise to help identify solutions, recommendations, or gaps in the work that those currently around the table might not recognize. The idea of providing stipends, transportation and child care will ensure that these representatives are compensated for their time and they will not have to struggle to afford child care or travel accommodations to be able to attend this meeting since the location and time of day might not be easy for a student, parent or worker, while also understanding that time and place are already set in stone. Other appointed members of the JJPOC are there as part of their professional responsibilities so they are compensated for their participation time; Families and youth should be treated the same way. Families and youth have expressed interest in authentically partnering with stakeholders to create tables where they have equal power in the decision-making process that affects their friends and families. Not including directly impacted families and youth not only leaves out a much-needed perspective in these discussions but it also undermines the accuracy of decisions made through the JJPOC.

IX. 2020-2021 RECOMMENDATIONS IN DETAIL FROM THE EXECUTIVE COMMITTEE

The purpose of the Executive Committee is to ensure efficient communication, collaboration, and deliverables to the JJPOC, including developing work plans, establishing timelines, strategic planning, and progress evaluation.

EXECUTIVE COMMITTEE RECOMMENDATION 1	JJPOC recommends that: A. An amendment to PA14-217 sec. 79 to expand the purview of the juvenile justice policy and oversight committee to the under 21 year old population for purposes of research and data collection to inform and evaluate justice system policies.
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BACKGROUND

Juvenile justice systems, child welfare systems, and other protective services for youth were created on the basis that children lack the maturity, rights, responsibility, and capacity of adults. The common goal in addressing youthful behavior is for systems to focus on rehabilitating and supporting the child and his or her family. With this in mind, the minimum age of criminal responsibility and the age of criminal majority set the boundaries of the juvenile justice system to serve this population. Currently, in Connecticut, the juvenile jurisdiction is 7-17 years of age. The Juvenile Justice Policy and Oversight Committee is dedicated to right-sizing the justice system to ensuring the needs of young people are met appropriately. Recently, states have considered raising both the minimum and maximum age of the juvenile justice system.

With the increasing capabilities of technology, neuroscience has significantly informed our understanding of psychological development. There are parts of the brain responsible for developing our ability to reason, plan, empathize, and remember, which is crucial to understanding criminality and responsibility. With this in mind, it is vital to consider the young adult population of 18-21 year olds and their mental capacity, competency, and culpability. The Juvenile Justice Policy and Oversight Committee should expand its purview to review this emerging adult population's policies, needs, and services, using a positive development lens.

DATA

Adolescence in itself exemplifies a phase of impulsivity, vulnerability, risky behavior, and the testing of boundaries. These aspects of adolescence are widely accepted and better understood due to research focusing on neuroscience and its impact on mental capacity and competency.

Although there is no clear standard development for certain ages across the board, certain age ranges reflect significant stages of brain development. Research shows that the brain is not fully developed until a person reaches between 20-30 years of age. The brain's adaptability and growth continues into early adulthood. Psychosocial maturity, which includes risk perception, peer influence, and impulsivity, continues to develop into the early 20s.

Research also shows that youth age out of crime. The crime curve shows that most youth desist by their early twenties. The brains of 18-24 year-olds are similar to the under 18 population in that they are still growing and thus less capable of future-oriented thinking and acting. Brain development varies among individuals, and a one-size-fits-all approach to young adults may be unfair and further damaging.

POTENTIAL IMPACT

Establishing age parameters into and out of the justice system is vital in guiding our youth toward appropriate services, fair case handling, and opportunity for a successful future. Brain development, which continues well into early adulthood, is influenced by external factors, including physical, emotional, social, and cognitive environmental factors. Given the neuroscience, the adult criminal justice system may offer an unsupportive and harmful environment for this young population. By expanding the JJPOC to consider policies, services, and practices for the emerging adult population, young adults may be considered through a more appropriate lens that further enhances their development and functioning in society. Additionally, this approach can decrease the likelihood of future recidivism. By considering the biological needs and circumstances of young adults, we can improve their future chance of success.

X. 2020-2021 RECOMMENDATIONS IN DETAIL FROM IOYOUTH INITIATIVE

The purpose of the Improving Outcomes for Youth Initiative is to partner with a statewide, multi-stakeholder taskforce to guide a comprehensive juvenile justice system review and improvement process. The Council of State Governments assisted Connecticut in thorough analysis of juvenile justice data, review of policies and practices and resource allocation decisions, conduct onn-site interviews and focus groups, and survey frontline staff.

<p>IOYOUTH RECOMMENDATION 1</p>	<p>JJPOC recommends that:</p> <p>A. Legislation be proposed to establish a pre-arrest juvenile diversion model that holds youth accountable for low-level misbehavior while diverting them from any court processing or formal arrest record. The model is based on a youth's offense and prior history, and requires in each case that law enforcement provide an alternative response in lieu of an arrest. The model consists of the following:</p> <ol style="list-style-type: none"> 1. Beginning January 1, 2022, for the following behaviors would be decriminalized and removed from juvenile court
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	<p>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. This is similar to the prior removal of FWSN behavior from juvenile court jurisdiction effective 6/30/20 (PA19-187).</p> <ol style="list-style-type: none"> a. Simple Trespass b. Creating a Public Disturbance c. Possession of cannabis-type substance (under .5 ounce only) d. Use/Possession/Delivery of drug paraphernalia (related to under .5 ounce of cannabis-type substance) <p>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</p> <ol style="list-style-type: none"> a. Breach of Peace, 2nd Degree b. Disorderly Conduct c. Larceny, 5th and 6th Degree d. Possession of cannabis-type substance (more than .5 ounce) e. Use/Possession/Delivery of drug paraphernalia (more than .5 ounce) <p>1. 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:</p> <ol style="list-style-type: none"> a. Capacity of YSBs and other local agencies to provide services for this population b. Accountability mechanisms c. Process for victim input and involvement d. Data collection for tracking YSB referrals e. Communication and outreach to stakeholders on accessing local services f. Proposed effective date for full Tier 2 implementation <p>2. The implementation plan shall be approved and adequately funded and resourced to accommodate these changes.</p>
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DATA

Analyses conducted as part of the IOYouth assessment revealed that a significant number of referrals to juvenile court were for low level offenses, and that many of these youth received dispositions with supervision.

- In 2018, 41% of all referrals to juvenile court were first-time referrals, demonstrating that opportunities exist to expand diversion.
- Five low level offenses represented more than half (55%) of all misdemeanor referrals to juvenile court in 2018 – Breach of Peace, 2nd Degree; Larceny, 6th Degree; Disorderly Conduct; Interference with an Officer/Resisting Arrest; and Possession Controlled Substance or > .5 oz. of Cannabis.
- These same five offenses represent nearly 60 percent of all *first time* misdemeanor referrals.
- 70% of all infraction/violation referrals to juvenile court were for 4 behaviors – simple trespass; Possession of less than .5 oz. cannabis; Use/possession of drug paraphernalia < .5 oz. marijuana; and Possession of alcohol by minor.
- While delinquent referrals of juvenile court declined 25% since 2014, disproportionality in referrals has remained the same.
- Non-Hispanic Black and Hispanic youth were disproportionately referred to juvenile court compared to White youth for certain behaviors:
 - Possession of Less Than ½ Oz Cannabis (V): Hispanic (2%); Non-Hispanic Black (1%); Non-Hispanic White (5%)
 - Possession of Controlled Substance or > ½ Oz Cannabis (MA): Hispanic (2%); Non-Hispanic Black (1%); Non-Hispanic White (5%)
- Additionally, with regard to the JRB diversion system, analyses of JRB data found that in 2016, whereas 27% of all JRB referrals are Black youth, 42% of JRB referrals from court are for Black youth. And, Black youth are less likely to be referred to services through JRBs than their peers.

POTENTIAL IMPACT

Expanding alternative to arrest options for youth who have committed low level offenses or low level behaviors frees up limited resources of the juvenile justice system to support youth that are higher risk and have committed more serious offenses. Developing these alternatives will also directly address disproportionate contact that youth of color may have with the juvenile justice system, and provide them with access to diversionary services more quickly than through the juvenile court. Additionally, research demonstrates that low risk youth, with very minimal supervision and services, typically grow out of their adolescent behavior, and that over supervising these youth can actual create more harm than good.

<p>IOYOUTH RECOMMENDATION 2</p>	<p>JJPOC recommends that:</p> <p>A. 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.</p>
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BACKGROUND

In 2018, the federal Juvenile Justice and Delinquency Act (JJDPA) was reauthorized, and a new provision prohibits states from holding adult-charged youth in adult jails (except in narrow circumstances). For states that receive JJDPA dollars, youth that are held in adult jails must be transferred to juvenile facilities by December 2021. As of September 2019, this represented 69% of the population of youth under 18 in DOC custody. Although Connecticut has opted out of participation in the JJDPA in recent years, the requirement was signed into law with bipartisan support, recognizing that retaining youth in the juvenile justice system holds the best potential for positive public safety outcomes (e.g., lower rates of reoffending). The Center for Children’s Law and Policy presented a similar recommendation to the JJPOC in 2019 after a thorough analysis of DOC data.

DATA

- Two-thirds of youth under 18 in DOC that exit prior to sentencing stay in the facility less than 90 days, and 30–40 percent stay less than 2 weeks.
- In 2018, 57% of youth under 18 admitted to MYI were released prior to sentencing.
- A snapshot in September 2019 indicated that 69% of youth at MYI at the time were unsentenced youth.
- DOC’s data analysis also indicates that more than 2/3 of youth admissions to DOC in 2018 were youth of color.

POTENTIAL IMPACT

Youth under age 18 charged as adults, will be able to receive more long-term developmentally appropriate services under Judicial Branch supervision. The Judicial Branch is charged with providing supervision and services to the juvenile population, and as such, has the knowledge and expertise to better serve this population in more appropriate facilities and with more tailored services to meet young people’s needs.

XI. TECHNICAL ASSISTANCE BY CONSULTANTS

In January 2019, the JJPOC published its new 2019 – 2021 Strategic Plan, which outlined the goals for the coming years. As the workgroups convened to begin planning activities for 2019, they decided outside assistance for two projects was needed due to the breadth and detail of each issue being addressed.

Dr. Peter Leone was identified as the consultant to engage the JJPOC Education Committee to help with their charge of transforming the education system for youth in out-of-home placement across the state of CT. Dr. Leone was the Director of the National Center on Education, Disability, and Juvenile Justice at the University of Maryland. He has worked with adolescents who have behavioral disorders in public schools during his career and has studied education programs and practices in institutional settings. This includes providing technical assistance on educational services to jails, prisons, detention centers, and training schools in a number of states. Dr. Leone provided support to the Education Committee through policy analysis, identifying best practice models, and the generation of options for curriculum alignment, credit recovery, advanced placement, and post-secondary opportunities.

To date, Dr. Leone has consulted with other state models, including Massachusetts. He has also communicated with educational providers in the community, including Connecticut Junior Republic and DOMUS, and reviewed the 2019 report by the Office of the Child Advocate. In addition, he has made two site visits to CT, in April and June, to tour Manson Youth Institution alongside Department of Correction leadership and to tour the Hartford Detention Center and meet with CSSD and representatives from the State Department of Education. He has also produced five memos, including his initial thoughts, recommendations, and best practices identified in other states.

In addition, the Center for Children’s Law and Policy (CCLP) was contracted in June of 2019 to provide technical assistance to the Incarceration Workgroup in order to meet the requirements outlined in Public Act 19-187. Their expertise has helped identify options to improve conditions of confinement that correct dangerous and inhumane conditions as well as to implement best practices in the areas of room confinement, chemical agent, PREA, etc. (See Appendix F). CCLP expertise to eliminate racial & ethnic biases in the juvenile justice system, reduce the unnecessary and inappropriate incarceration of children, and eliminate dangerous and inhumane practices for youth in custody is carried out by staff members that include lawyers and former juvenile justice professionals with extensive expertise in creating a more equitable and effective juvenile justice system. With support from the Tow Foundation, they have previously worked with the cities of Bridgeport, Hartford, New Haven, and Waterbury on a multi-year project to reduce racial and ethnic disparities in Connecticut. CCLP has also previously worked with Connecticut to provide graduated responses for youth under supervision in the community, including incentives for positive behavior and sanctions for negative behavior. This helped achieve significant reductions in youth detention/incarceration for violation of probation and other court-ordered conditions.

To date, CCLP has reviewed conducted a literature review of the impact of the transfer on public safety and youth behaviors, reviewed national approaches and models to housing of adult-charged and sentenced youth, and collected and analyzed state data. In addition, CCLP has conducted site visits to Manson Youth Institution, the Hartford Detention Center, as well as several community-based organizations, including the Connecticut Junior Republic. Between site visits, CCLP has engaged system stakeholders in interviews and meetings and have held focus groups specifically with youth who would be impacted by a proposed change.

CCLP also has extensive experience assisting jurisdictions in promoting racial and ethnic equity in the youth justice system. CCLP staff have worked with over a dozen states on this issue, and their staff has documented many successes. CCLP coordinated all activities to reduce racial and ethnic disparities in the John D. and Catherine T. MacArthur Foundation's Models for Change initiative. Since the end of Models for Change, CCLP has replicated strategies in Connecticut, Florida, Colorado, Massachusetts, and Virginia. CCLP staff also serve as the instructors for the Reducing Racial and Ethnic Disparities Certificate Program at Georgetown University's Center for Juvenile Justice Reform.

Earlier, in May 2019, OJJDP approved a request for technical assistance to Connecticut's JJPOC Racial and Ethnic Disparities (RED) workgroup to advise and support the RED Workgroup with the development of mission, vision and consensus statements, a data-driven work plan with measurable objectives, assist with strategic analysis and use of data to advance racial and ethnic equity, identifying opportunities to leverage effective RED reduction strategies in existing youth justice improvement work. More recently, in October 2020, CCLP was contracted to provide further technical assistance to the RED Workgroup. By facilitating meetings and research on national best practices, CCLP has assisted the RED Workgroup in their three main areas of focus: pedestrian stop data collection, police use of force, and school resource officers.

XII. THE COUNCIL OF STATE GOVERNMENTS IOYOUTH INITIATIVE

In June 2019, leadership from Connecticut's three branches of government launched the Improving Outcomes for Youth (IOYouth) Statewide Task Force to assess whether recent juvenile justice system reforms have been implemented as intended and have had the expected impact. The Task Force's charge was to determine what next steps are needed to ensure that policies, practices, and resource allocation decisions are aligned with what the research says works to strengthen public safety and improve outcomes for youth. The IOYouth Task Force, co-chaired by Rep. Walker and Melissa McCaw, Secretary of the Office of Policy and Management, included other elected officials, representatives from all three branches of government, state and local juvenile justice system leaders, and advocates, among others.

Under the guidance of the Task Force, the Council of State Governments (CSG) Justice Center conducted a year-long comprehensive assessment of Connecticut's juvenile justice system from referral to reentry, including extensive analyses of case-level juvenile justice and fiscal data; focus groups with stakeholders across Connecticut, such as juvenile justice and other youth-serving agency officials, prosecutors, public defenders, judges, law enforcement, probation staff, community-based providers, advocates, and youth and families; and reviews of state policies, regulations, practices, and resource allocation.

The IOYouth Task Force met several times in 2019 and 2020 to review the CSG Justice Center's assessment findings and identify data-driven strategies to improve youth outcomes. In July 2020, the Task Force convened its final meeting and reached a consensus on a broad set of research-based policy recommendations to reduce recidivism and improve outcomes for youth in Connecticut's juvenile justice system (See Appendix G)

An IOYouth Implementation Committee was established as a workgroup of the Juvenile Justice Policy and Oversight Committee (JJPOC) to oversee the adoption and implementation of the IOYouth recommendations. The Implementation Committee is chaired by Rep. Walker, Secretary McCaw, and Gary Roberge, Executive Director of the Judicial Branch Court Support Services Division (CSSD). The Implementation Committee is responsible for translating the consensus-based IOYouth recommendations into legislative and administrative policy changes for JJPOC approval, and providing feedback to the Judicial Branch and Department of Children and Families on agency policy changes resulting from the IOYouth initiative.

XIII. 2020-2021 JJPOC WORKGROUP MEMBERSHIP

Diversion Workgroup Membership

Co-chairs: Erica Bromley and John Frassinelli (formerly)

<u>Name</u>	<u>Agency</u>
Erica Bromley	Connecticut Youth Services Association (CYSA)
John Frassinelli	State Department of Education (SDE)
Abby Anderson	Connecticut Juvenile Justice Alliance (CJJA)
Wesleigh Anderson	Connecticut Legal Services (CLS)
Kristina Baldwin	Hartford Department of Families, Children, Youth and Recreation
Lynn Bishop	NAFI CT
Jeana Bracey	Child Health and Development Institute of CT, Inc.
Elisabeth Cannata	Wheeler Clinic
Justin Carbonella	Middletown Youth Service Bureau
Francis Carino	Office of the Chief State's Attorney
Yecenia Casiano	Child Health and Development Institute of CT, Inc.
James Connolly	Judicial Branch
Danielle Cooper	Tow Youth Justice Institute (TYJI)
Linda Dixon	Department of Children and Families
Amy Evison	Community Health Resources
Ana Flamengo	CT Junior Republic (CJR)
Dana Forry	RYASAP/Bridgeport LIST
Melissa Garden	Department of Children and Families
Joshonda Guerrier	Department of Children and Families
Marisa Mascolo Halm	Center for Children's Advocacy (CCA)
Susan Hamilton	Office of the Chief Public Defender
Anthony Tony Hanson	Hartford Knights
Dawn Hatchett	Lifebridge
Brittany Kaplan	Judicial Branch
Susan Kelley	National Alliance on Mental Illness (NAMI)
Agata Raszczyk-Lawska	CT Legal Services
Ryan Matthews	Nutmeg Big Brothers Big Sisters (NBBBS)
Patrice McCarthy	CABE
Devon McCormick	Tow Youth Justice Institute (TYJI)
Kathryn Meyer	Center for Children's Advocacy (CCA)
Allyson Nadeau	Beacon Health Options
Desi Nesmith	State Department of Education (SDE)
James Oneill	Judicial Branch
Michaelangelo Palmieri	Judicial Branch - Court Support Services Division (CSSD)
Louise Pyers	National Alliance on Mental Illness (NAMI)
Christina Quaranta	Connecticut Juvenile Justice Alliance (CJJA)
Leslie Rojas	DFCYR
Jill Ruggiero	Westport Police Department
Lauren Ruth	Connecticut Voices for Children

Niya Solomon	Journey Home CT
Kristina Stevens	Department of Children and Families
Kari Sullivan	State Department of Education (SDE)
Bernard Thomas	Hartford Knights
John Torello	Judicial Branch - Court Support Services Division (CSSD)
Jeffrey Vanderploeg	Child Health and Development Institute of CT, Inc.
Shirley West	Family Alliance
Beresford Wilson	Favor CT
Alicia Woodsby	Technical Assistance Collaborative
Doran Wright	Grace City Church

Additional Subgroup Members

<u>Name</u>	<u>Agency</u>
William Bilyak	Vernon Public Schools
Katharine Cummings	CT State Trooper
Bonnie Daley	Middletown Youth Service Bureau
Sarah Eagan	Office of the Child Advocacy (OCA)
Hannah Granfield	The Governor's Prevention Partnership
Carl Jiang	Yale University
Peter Kochol	Judicial Branch
Liz Langevin	South Windsor Youth and Family Services
Denise Marios	The Governor's Prevention Partnership
Jane Michaud	Project Youth Court
Mark Palmieri	Center for Children with Special Needs (CCSN)
Agnes Quinones	State Department of Education
Julie Revaz	Judicial Branch – Court Support Services Division (CSSD)
Samuel Rivera	Center for Children's Advocacy (CCA)
John Saccu	Connecticut Youth Services Association (CYSA)
Martha Stone	Center for Children's Advocacy (CCA)
Destiny Tolliver	Yale University
Michael Williams	Department of Children and Families
Arianna Zoghi	Yale University

Incarceration Workgroup Membership

Co-chairs: Judge Bernadette Conway and Christine Rapillo

<u>Name</u>	<u>Agency</u>
Judge Bernadette Conway	Connecticut Judicial Branch
Christine Rapillo	Office of the Chief Public Defender
Abby Anderson	Connecticut Juvenile Justice Alliance (CJJA)
Erica Bromley	Connecticut Youth Services Association (CYSA)
Christopher Brunelle	Department of Correction (DOC)
Kenneth Cabral	Department of Children and Families

Francis Carino	Office of the Chief State's Attorney
Sharonda Carlos	Department of Correction (DOC)
Cheryl Cepelak	Department of Correction (DOC)
Renee Cimino	Judicial Branch
James Connolly	Office of the Chief Public Defender
Daniel Dougherty	Department of Correction (DOC)
Tracy Duran	Judicial Branch - Court Support Services Division (CSSD)
Sarah Eagan	Office of the Child Advocate (OCA)
Jack Fitzgerald	Judicial Branch - Court Support Services Division (CSSD)
Robert Francis	CT Juvenile Justice Alliance
Deborah Fuller	Judicial Branch - Court Support Services Division (CSSD)
Eulalia Garcia	Department of Correction (DOC)
Cathy Foley Geib	Judicial Branch - Court Support Services Division (CSSD)
Susan Hamilton	Office of the Chief Public Defender
John Holland	Department of Mental Health and Addiction Services (DMHAS)
Tasha Hunt	Judicial Branch - Court Support Services Division (CSSD)
Brittany Kaplan	Judicial Branch
Mickey Kramer	Office of the Child Advocate (OCA)
Derrick Molden	Department of Correction (DOC)
William Murphy	Department of Correction (DOC)
Ken Mysogland	Department of Children and Families (DCF)
John Noonan	Central Connecticut State University
Patricia Nunez	Judicial Branch - Court Support Services Division (CSSD)
Heather Panciera	Office of the Child Advocate (OCA)
Christina Quaranta	Connecticut Juvenile Justice Alliance (CJJA)
Angel Quiros	Department of Corrections
Julie Revaz	Judicial Branch - Court Support Services Division (CSSD)
Dan Rezende	Connecticut Junior Republic (CJR)
Gary Roberge	Judicial Branch - Court Support Services Division (CSSD)
Gregorio Robles	Judicial Branch
Nick Rodriguez	Department of Corrections
Bill Rosenbeck	Department of Children and Families
Lauren Ruth	CT Voices for Children
Kim Selvaggi	Living in Safe Alternatives (LISA)
Trina Sexton	Department of Corrections
Kristina Stevens	Department of Children and Families
Martha Stone	Center for Children's Advocacy (CCA)
Beresford Wilson	Favor CT

Racial & Ethnic Disparity Workgroup Membership

Co-chairs: Derrick Gordon and Hector Glynn

Name

Hector Glynn
Derrick Gordon

Agency

Village for Children and Families
The Consultation Center @ Yale University

Tow Youth Justice Institute
JJPOC 2020-2021 Recommendations

Abby Anderson	Connecticut Juvenile Justice Alliance (CJJA)
Keisha April	Yale University
Ruben Atilano	Yale University
Erica Bromley	CT Youth Services Association
Kia Levey-Burden	Center for Children's Advocacy
Francis Carino	Office of Chief State's Attorney
Lourdes Fonseca	Center for Children's Advocacy
Robert Francis	CT Juvenile Justice Alliance
Marisa Mascolo Halm	Center for Children's Advocacy (CCA)
John Holland	Department of Mental Health Services
Mark Irons	Judicial Branch - Court Support Services Division (CSSD)
Latosha Johnson	Department of Children and Families
Peter Kochol	Judicial Branch - Court Support Services Division (CSSD)
Denise Lamontagne	Cromwell Police Department
Agata Raszczyk-Lawska	Connecticut Legal Services (CLS)
Jodi Hill- Lilly	Department of Children and Families
Kristin Mabrouk	Naugatuck Youth Services
Rashanda McCollum	Students for Educational Justice
Tiffany Minakhom	Center for Children's Advocacy
Talia Nunez	Judicial Branch - Court Support Services Division (CSSD)
Daisy Ortiz	Judicial Branch - Court Support Services Division (CSSD)
Christina Quaranta	Connecticut Juvenile Justice Alliance (CJJA)
Samuel Rivera	Center for Children's Advocacy (CCA)
Stephanie Zanker-Rivera	Department of Mental Health & Addiction Services (DMHAS)
William Rosenbeck	Department of Children and Families (DCF)
Jill Ruggiero	Westport Police Department
Gwen Samuel	Connecticut Parents Union
Steven Smith	Department of Children and Families
Martha Stone	Center for Children's Advocacy (CCA)
Yvette Young	Village for Children and Families

Education Committee Membership

Co-chairs: Rep. Robyn Porter and Amy Vatner

<u>Name</u>	<u>Agency</u>
Rep. Robyn Porter	Legislature
Amy Vatner	Children's Community Programs (CCP)
Amy D. Amaddio	Judicial Branch
Craig Baker	DOMUS Kids
Veron Beaulieu	Department of Correction (DOC)
Gavin Craig	Torrington Public Schools
Claire Coleman	Connecticut General Assembly
Martin Folan	Department of Children and Families
Kenneth Gradowski	Bridgeport Public Schools
Marisa Mascolo Halm	Center for Children's Advocacy (CCA)

Lilian Ijomah	DOMUS Kids
Joanne Jackson	Hartford Public Schools
Agata Raszczyk-Lawska	Connecticut Legal Services (CLS)
Karen Lawson	Hartford Public Schools
Rashanda McCollum	Students for Educational Justice
Mike McGuire	DOMUS Kids
Kathryn Meyer	Center for Children's Advocacy
Ken Mysogland	Department of Children and Families
Mike Nunes	Department of Correction (DOC)
Patricia Nunez	Judicial Branch - Court Support Services Division (CSSD)
James Obst	Connecticut Junior Republic (CJR)
Joshua Perry	CT Office of the Attorney General
Glen Peterson	State Department of Education (SDE)
Dan Rezende	Connecticut Junior Republic (CJR)
Gabe Riccio	Department of Correction (DOC)
Vincent J. Russo	Department of Children and Families
Lauren Ruth	CT Voices for Children
Gwen Samuel	Connecticut Parents Union
Maria Pirro Simmons	(formerly) Department of Correction (DOC)
Lisa Ariola Simoles	Waterbury Public Schools
Ann Smith	AFCAMP
Jeffrey Wihbey	Connecticut State Dept. of Education
Michael Williams	Department of Children and Families
Glen Worthy	New Haven Public Schools

Cross Agency Data Sharing Workgroup Membership

Co-chairs: Brian Hill and Kyle Baudoin (formerly, Eleanor Michael)

<u>Name</u>	<u>Agency</u>
Brian Hill	Judicial Branch – Court Support Services Division (CSSD)
Kyle Baudoin	Office of Policy and Management (OPM)
Eleanor Michael	(formerly) Office of Policy and Management (OPM)
Erica Bromley	Connecticut Youth Services Association (CYSA)
Francis Carino	Office of the Chief State's Attorney
Andy Condon	Department of Labor (DOL)
James Connolly	Judicial Branch
Dominic Falcone	Department of Mental Health and Addiction Services (DMHAS)
Miguel de Figueiredo	University of Connecticut (UCONN)
Scott Gaul	Office of Policy and Management (OPM)
Ajit Gopalakrishnan	State Department of Education (SDE)
Susan Hamilton	Office of the Chief Public Defender
John Holland	Department of Mental Health and Addiction Services (DMHAS)

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XIV. Acknowledgements

In the creation of these recommendations, special thanks go out to the members of the Education Committee, Incarceration Workgroup, Diversion Workgroup, Racial and Ethnic Disparities Workgroup, Community Expertise Workgroup, and Executive Committee, who have spent significant time over the course of the past two years in getting to this conclusion. This work would also have not been made possible without the expertise and assistance from the Co-Chairs of all workgroups, including those who served in that capacity previously, including Josh Perry, Special Counsel for Civil Rights at the Office of the Attorney General. The Office of the Child Advocate has provided critical guidance to the development of these recommendations. We are very appreciative of Ken Barone from the Institute of Municipal and Regional Policy, who assisted the Racial and Ethnic Disparities Workgroup in better understanding and improving state data collection efforts. We would also like to thank Carl Jiang and Dr. Lauren Ruth from Connecticut Voices for Children for their extensive research. We would like to acknowledge the dedication, partnership, and expertise brought forth by our consultants, Dr. Peter Leone, Jason Szanyi, Jennifer Lutz, Tiana Davis, Nina Solomon, and Josh Weber in an effort to improve our state's systems and communities for youth. Lastly, we would like to thank all of the University of New Haven students who have assisted and provided administrative support.