



# Alternatives to Arrest

## Team Implementation Plan

February 13, 2022

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## I. Executive Summary

### **Background**

Being arrested can have a profoundly negative impact upon the life of a child as young as ten years old. Once the event becomes documented, the youth may have a reduction in the types of educational and vocational opportunities available to them. When denied the ability to advance their development, these individuals are at a greater risk of reoffending. When a youth is placed in a pre-arrest diversion program, they are 2.5 times less likely to reoffend. Likewise, research has demonstrated that even with minimal supervision and services, low-risk youth grow out of their adolescent behaviors and that over-monitoring said youth can cause more harm in the long run. Developing alternatives to arrest will directly address disproportionate contact that youth of color may have with the juvenile justice system. It will also provide them with access to diversionary services more quickly than through the juvenile court. In addition, implementation of such programs is a more fiscally responsible course of action. 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.

### **The Implementation Team Work**

Public Act 21-174 created An implementation team tasked with crafting a plan for the mandatory pre-arrest diversion of low-risk youth. This team met twice a month from September through December 2021. The focus of these meetings was to review outcome information for Youth Service Bureau (YSB), Juvenile Review Board (JRB), and court referrals. Other key actions taken by this group included gaining insight from a focus group consisting of YSB and JRB representatives, taking part in a training developed by a restorative justice expert, and creating/distributing a survey to law enforcement professionals that assessed their diversion and data collection practices. One of the best tools in ensuring the optimization of diversion programs is a robust and ethical data policy. Regularly examining arrest and diversion data will provide information concerning the optimal alternatives to arrest, spotlight areas that require additional attention and assist in policy development.

The Implementation Team created the plan with the intent of diverting low-risk youth away from the juvenile justice system. The recommendation to automatically divert first and second-time offenses for simple trespass, public disturbance, disorderly conduct, and larceny sixth degree as of July 1, 2022, will prioritize the appropriate resources for youth in the community and avoid the potential negative and traumatic impact of system involvement. Additionally, strengthening the relationship between law enforcement and their local YSBs/JRBs, increasing training, and standardizing the referral process will create a more unified system for our youth. The Alternatives to Arrest Implementation Team will create educational materials that can be distributed to law enforcement and schools to assist them in training on these new changes. The Alternatives to Arrest Implementation Team also discussed a variety of mechanisms to measure the effectiveness of programs and services, as well as youth accountability.

**Recommendation:**

## Diversion Workgroup #1:

- A. The following behaviors would be automatically diverted pre-arrest to the community-based diversion system for first and second-time offenses. This would still allow law enforcement, schools, and other systems to refer youth to a Youth Service Bureau (YSB) or other local agency in lieu of an arrest.
  - 1. Beginning July 1, 2022
    - a. simple trespass under section 53a-110a of the general statutes
    - b. creating a public disturbance under section 53a-181a of the general statutes
  - 2. Beginning January 1, 2023
    - a. disorderly conduct under section 53a-182 of the general statutes
    - b. larceny sixth degree under section 53a-125a or 53a-125b of the general statutes<sup>1</sup>
- B. An Implementation Plan (Addendum A) outlines further recommendations for implementation.
  - 1. Capacity of YSBs and other local agencies to provide services for this population
  - 2. Accountability mechanisms
  - 3. Process for victim input and involvement
  - 4. Data collection for tracking YSB referrals
  - 5. Communication and outreach to stakeholders on accessing local services

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<sup>1</sup> The remaining Tier 2 offenses will be addressed in the report due on or before January 1, 2023.

## II. Purpose

Public Act 21-174 Sec. 12 established an implementation team to develop plans for mandatory pre-arrest diversion of low-risk children. This team was charged with reporting findings and recommendations on automatic pre-arrest diversion of children to youth service bureaus or other services in lieu of arrest for Tier 1 offenses. PA 21-175 identified the following Tier 1 offenses:

- simple trespass under section 53a-110a of the general statutes
- creating a public disturbance under section 53a-181a of the general statutes

PA 21-174 also identified “possession of less than one-half ounce of a cannabis-type substance under section 21a-279a of the general statutes and use, possession or delivery of drug paraphernalia related to less than one-half ounce of a cannabis-type substance under subsection (d) of section 21a-267 of the general statutes” as Tier 1 offenses. Given that pre-arrest diversion of these infractions is now being separately addressed in accordance with PA 21-1 (June Special Session), they will not be specifically included in the recommendations of this report.

In addition, as discussed more fully below, the implementation team is also recommending that the following Tier 2 offenses be included in Tier 1, given the low-risk level and small case numbers:

- disorderly conduct under section 53a-182 of the general statutes
- larceny sixth degree under section 53a-125a or 53a-125b of the general statutes<sup>2</sup>

## III. Recommendation

The implementation team recommends that first and second-time offenses for simple trespass, public disturbance, disorderly conduct, and larceny sixth degree be automatically diverted pre-arrest as of July 1, 2022. If this recommendation is approved, legislative language will need to be drafted. Many of these cases are already being diverted to community programs and services post-arrest. The recommendations outlined below would ensure that first and second-time low-level offenses are diverted pre-arrest without a formal juvenile justice system and process.

| Offense                       | Definition   |
|-------------------------------|--|
| Simple trespass               | Entering or remaining in or on any premise without the permission to do so                         |
| Creating a public disturbance | Causing inconvenience, annoyance, alarm, or recklessly creating a risk                             |
| Disorderly conduct            | Public activity or behavior that’s offensive or disruptive, violating noise ordinances, loitering, |
| Larceny sixth degree          | Shoplifting with a value less than \$500   |

<sup>2</sup> The remaining Tier 2 offenses will be addressed in the report due on or before January 1, 2023.

## IV. Background

The current juvenile justice system allows a child as young as ten years old to be arrested and incarcerated. This can have a profoundly significant impact on the arrested individual's future. Starting with the arrest itself, such an event can be traumatic and harmful for youth and may additionally trigger a post-traumatic response in the youth. Even if they are ultimately issued a warning and released or diverted, the damage may already be done. Furthermore, once an arrest has been made, it is a documented event that can follow the youth for years. Organizations, such as employers and institutions of learning, may be able to access these records, resulting in the individual being denied job and/or education opportunities. The more limited the individual is in their access to opportunities to advance their development, the more likely they will experience negative health outcomes or even re-offend. Similarly, arrested youth are 25% less likely to complete high school, only further encroaching on their potential.

The best way to prevent future arrests is to stop the initial arrest from occurring in the first place. If that is not possible, diverting youth before the arrest can minimize recidivism. When a youth is placed into a pre-arrest diversion program, they are 2.5 times less likely to re-offend. 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 actually create more harm than good. The State of Connecticut partnered with the Council of State Governments to analyze its juvenile justice system from 2019-2020. The Improving Outcomes for Youth 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, including Breach of Peace, 2<sup>nd</sup> Degree; Larceny, 6<sup>th</sup> Degree; Disorderly Conduct; Interference with an Officer/Resisting Arrest; and Possession of a Controlled Substance or greater than 0.5 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 a minor. It is important to note that many of these offenses are already being diverted from court. The intent of these recommendations is to ensure diversion happens automatically prior to an arrest.

Developing alternatives to arrest will directly address disproportionate contact that youth of color may have with the juvenile justice system. It will also provide them with access to diversionary services more quickly than through the juvenile court. However, there are numerous points throughout the pre-booking process where law enforcement, diversion agencies, and other organizations may unintentionally contribute to racial inequity. For example, if the diversion organization is not situated where the youth can easily attain its support or its staff is not properly trained in cultural competency, it may make it more difficult for the youth to complete the diversion program. In many cases, if the youth is unable to accomplish this, the initial arrest will subsequently become recorded. Thusly, it is essential that all organizations involved in this process be aware of any potential racial, ethnic, socioeconomic, or other biases that may impact support for the youth.

In addition, implementation of such programs is a more fiscally responsible course of action. 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. For instance, Florida managed to save an estimated \$13 million in 2014-2015 by issuing civil citations as opposed to making full arrests in 43% of qualifying incidents.

## V. The Implementation Team's Work

The Implementation Team is tri-chaired by Erica Bromley, co-chair of the JJPOC Diversion Workgroup, Sue Hamilton, Director of Delinquency Defense and Child Protection at the Public Defender's Office, and Tasha Hunt, Deputy Director of Juvenile Probation Services at the Judicial Branch Court Support Services Division (JBCSSD). Additional members include representation from the Chief State's Attorney's office, the Connecticut State Department of Education, the Department of Corrections, the Department of Children and Families, public school administrators, law enforcement, and youth and community members. The Tow Youth Justice Institute (TYJI) at the University of New Haven provides administrative support to the team and its work.

The team met twice a month from September 2021 to December 2021. The initial meetings focused on establishing common outcomes and reviewing current data of YSB and JRB referrals, as well as court referrals. Representatives from YSBs and JRBs were invited to a focus group to understand their capacity and needs. Discussions were held on accountability mechanisms, measuring success, communication and outreach strategies, and involving victim input during the diversion process.

A restorative justice trainer presented ways to restoratively involve the victim's perspective in the handling of Tier 1 cases. A survey was created and distributed to law enforcement officials on their current diversion practices, data collection, relationship with YSBs, and areas where support is needed. The group also reviewed other state models, such as Massachusetts and Florida, to learn more about their data tracking system. The full membership of the Implementation Team is below.

## VI. Membership

- Diversion Co-Chair – Erica Bromley, Juvenile Justice Liaison of the Connecticut Youth Services Association
- Public Defender's Office - Sue Hamilton, Director of Delinquency Defense & Child Protection
- Judicial Branch Court Support Services Division - Tasha Hunt, Deputy Director of Juvenile Probation Services CT Commissioner and Maureen Flanagan, Juvenile Probation Supervisor II
- Connecticut State Department of Education - Desi Nesmith, Deputy Commissioner
- Department of Children and Families - Bill Rosenbeck, Transitional Support and Success
- Department of Corrections - Mark Bonaventura, Deputy Warden of Programs and Treatment
- Public Schools - Joanne Jackson, Hartford Public Schools
- Community Expertise Members- Sage Grady and Iliana Pujols (CTJA), Albert Dancy (Full Circle)
- Law Enforcement - TFC Charles Lavoie

- Chief States Attorney's Office – Brian Casinghino, Supervisory Assistant State's Attorney and Marc Vallen, Senior Assistant State's Attorney

## VII. Overview of Tier 1 Offense Population

Most cases involving simple trespass, public disturbance, disorderly conduct, and larceny sixth degree are referred to a Juvenile Review Board (JRB) or a Youth Service Bureau (YSB).

A JRB is a community-based collaborative diversion process for children and youth who might otherwise be referred to the Juvenile Court. JRBs are most often used for first or second-time non-felony juvenile offenders, as well as for status offenders. The JRB is designed to assist children, youth, and their families with a strength-based approach and uses a restorative model.

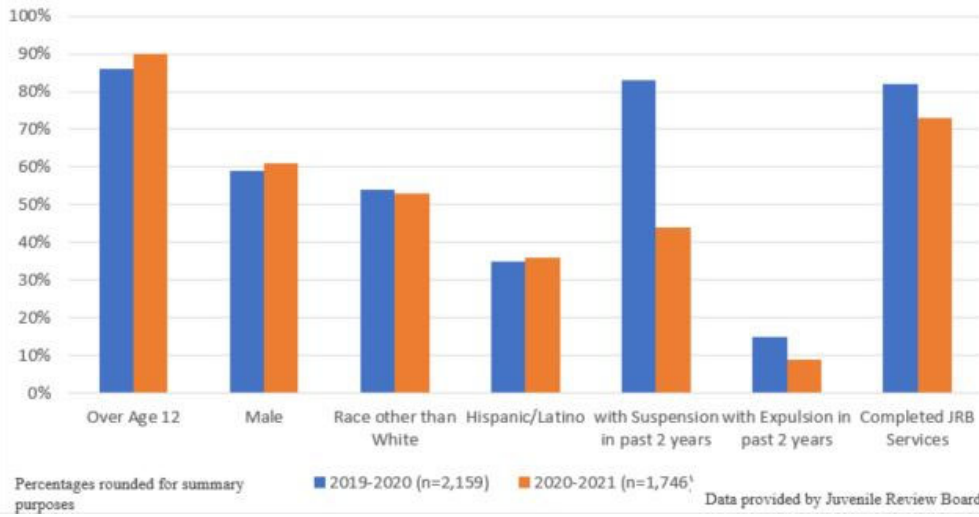
The JRB system is currently comprised of 91 JRBs serving approximately 138 communities across Connecticut. In FY 2019-20, there were 2,159 children and youth served by JRBs statewide. In 2020/21 there were 1,476 children and youth served by JRBs statewide. The decrease in numbers was a result of the pandemic with fewer crimes being committed overall by juveniles, fewer arrests, fewer court referrals, and fewer JRB referrals as children and youth largely remained at home for much of this time frame. The majority of JRBs are managed and staffed by YSBs through limited state, municipal, and private YSB funding.

Youth Service Bureaus focus on serving youth across the state by implementing different youth services to schools and community resources. There are 103 YSBs receiving state funding and through each region or district, they collaborate with other agencies to find youth programs and different resources they need.

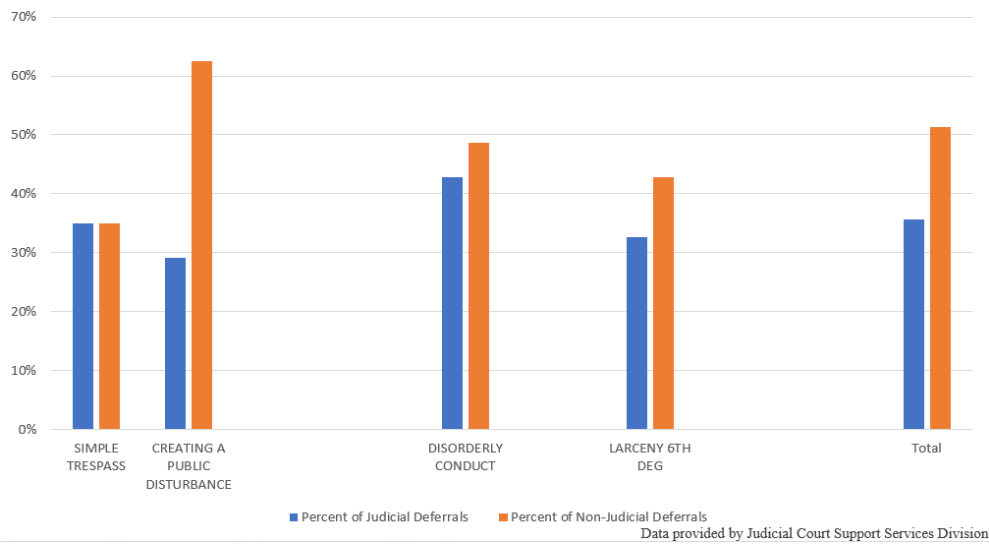
It is important to note that most youth who commit these Tier 1 offenses are already being referred to YSBs and JRBs. However, these youth are being referred to YSBs and JRBs post-arrest rather than pre-arrest and it would be beneficial to minimize law enforcement involvement in minor offenses, such as these. Juvenile court data provided by the Judicial Branch Court Support Services Division confirmed that many of these cases are diverted to a YSB. Over the past five years, trends have remained consistent with the demographics of this population. Boys make up 63% of these juvenile offenses. Generally, 83% of the JRB referrals are between the ages of 13 and 17, and 63% are males and 37% females.



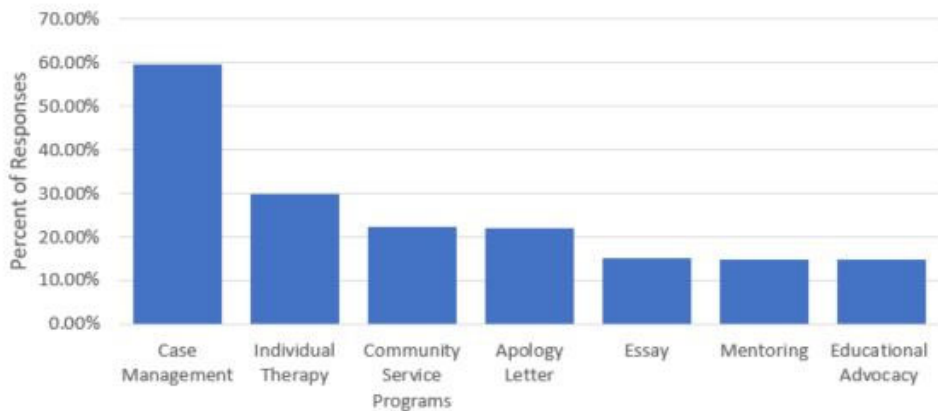
### Juvenile Arrest Demographics



### Types of Deferrals for Most Common Statute Violations

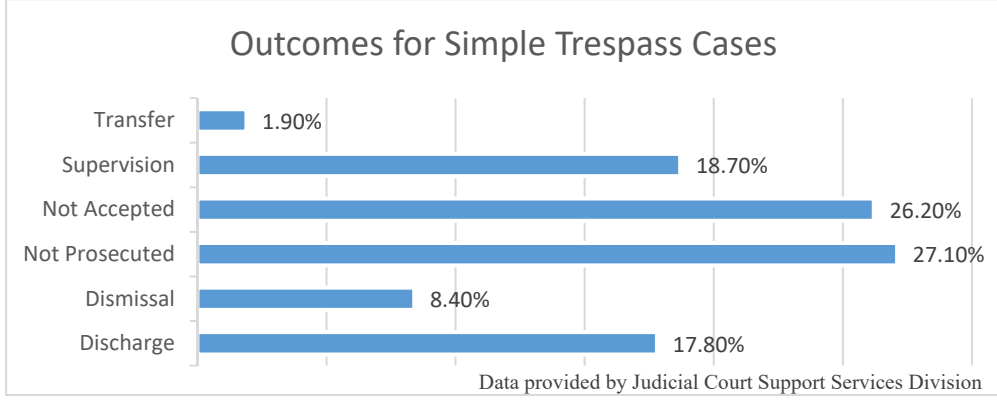
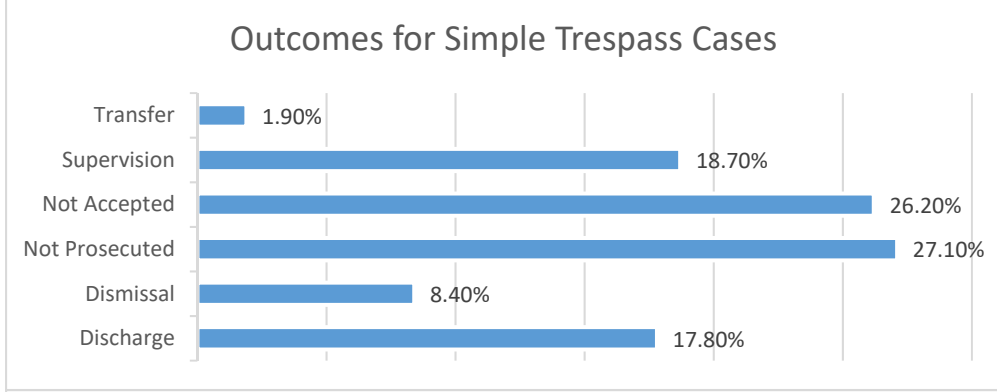
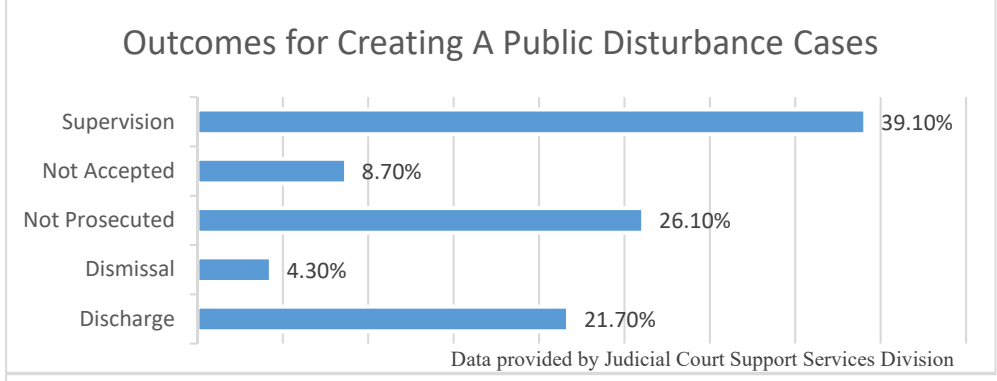
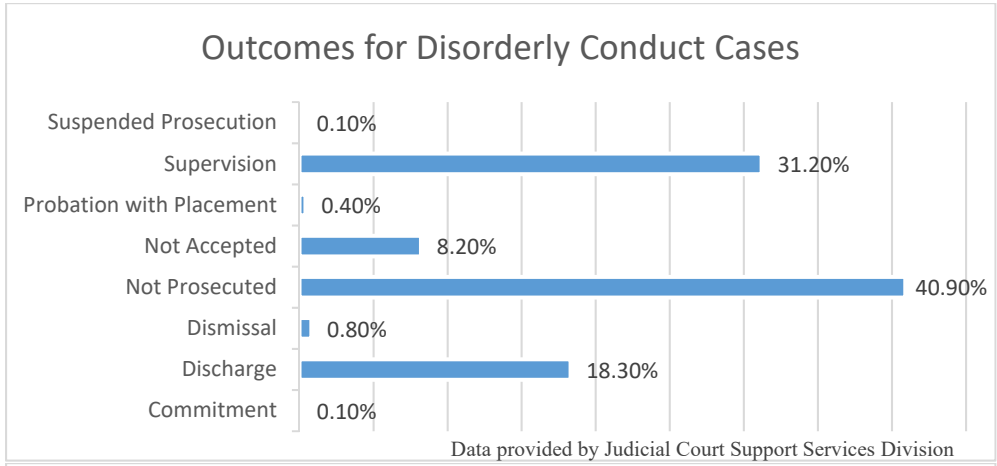


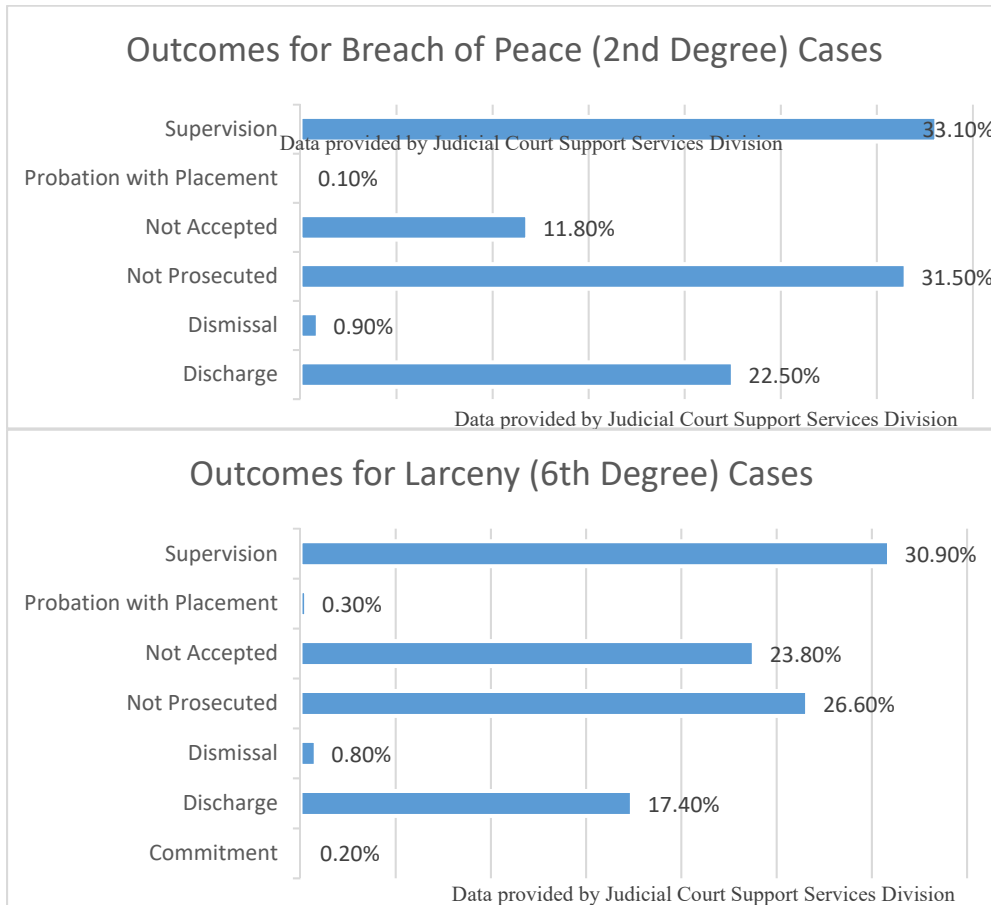
### 'Percent of Responses' by '2020-2021 Most Popular Services Provided (N=1099)'



Data provided by Juvenile Review Boards

Please note that “supervision” also includes non-judicial supervision. Also, the following graphs will be updated with more details by January 3, 2021.





### VIII. Capacity of YSBs and the Community-Based Diversion System

Mandated by Connecticut General Statute section 10-19m, a Youth Service Bureau (YSB) is an agency operated directly by one or more municipalities that is designed for planning, evaluation, coordination, and implementation of a network of resources and opportunities for children, youth, and their families. In addition, YSBs are responsible for the provision of services and programs for all youth to develop positively and to function as responsible members of their communities.

YSBs have a broader scope of service than most other youth-serving agencies. In addition to providing direct services like other agencies, YSBs have a responsibility to assess the needs of youth, identify gaps in service, and coordinate services for youth to fill the gaps and avoid duplication of services. A town may operate its YSB directly or combine with one or more towns to jointly operate a YSB, or a town may designate a private agency to act as its agent for the purpose of providing these services.

The first community-based YSBs were established in the late 1960s in response to a growing concern regarding issues such as juvenile delinquency, family crisis, drug and alcohol abuse, and school truancy. Currently, there are 103 YSBs serving 142 towns across the state

Many municipalities began creating Youth Service Bureaus in the late 1960s and early 1970s to address growing youth problems including crime, family crisis, school truancy, and substance abuse. Often, a local

tragedy would focus attention on the need for coordinated youth-focused services. By 1975, the Connecticut Justice Commission (now the Justice Planning Division of the Office of Policy and Management) used funds from the federal Law Enforcement Assistance Administration to support the creation of forty additional Youth Service Bureaus. It was during this time that Youth Service Bureau regulations were created and Public Act No. 75-487, An Act Concerning the Establishment and Operation of Youth Services Systems within the State, was passed. With the passage of the Public Act, YSBs became a permanent part of the service delivery system for youth and families within the Department of Children and Youth Services (now DCF). The YSBs are the only youth-serving agencies mandated by state statute and are governed by CGS 10-19m.

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 focuses on identifying and addressing the underlying needs/symptoms of the behavior and putting early intervention supports in place. Ensuring practices including screening, service matching to the needs that led to the behaviors, and a restorative process focusing on repairing harm and restoring relationships, have been proven to ensure long-term behavior change versus just imposing sanctions. By identifying and addressing the root cause of the behaviors and helping youth understand the impacts of their decisions, continued involvement in the juvenile justice system is likely to decrease. For the purposes of this plan, the diversion decision points range from the identification of the defiant or illegal behavior either at or prior to the point of police contact, to pre-and post-petition, and up to the time just prior to formal adjudication in Juvenile Court. By maximizing existing mechanisms to connect children, families, and schools with resources in their community, there can be a decrease in referrals to juvenile court, increased participation in programs and services, increased family engagement, decreased recidivism rates, decreased costs, and minimized stigma.

Many changes in diversion alternatives are already happening in practice through the current Community-Based Diversion System. Youth committing violations/infractions and first( and sometimes second)time low-level misdemeanor offenses are already being referred by law enforcement to Juvenile Review Boards (JRBs) in lieu of an arrest, or by the juvenile court in place of court involvement. JRBs include as its foundation a restorative justice process designed to help repair harm and restore relationships, and the entire process is done collaboratively with the family and youth. Most diversion cases are successful (over 80%), but in the event a contract is not completed, the case is referred back to the referral agency to determine next steps.

The Implementation Team discussed the needs and capacity of multiple YSBs and JRBs from a sample of a variety of locations in Connecticut, including Bridgeport, New Haven, Waterbury, Guilford, Westport, South Windsor, Norwich, and Vernon. The Implementation Team recognizes that not all towns have local YSBs and JRBs, which will be addressed in the recommendations of the Diversion Workgroup around funding.

In terms of population, larger JRBs, such as Bridgeport, receive about 150 referrals with 125 youth who go through the JRB panel process. New Haven JRB serves up to 200 youth on average annually. Waterbury YSB serves 100 youth on average annually. Smaller towns, such as Norwich, have about 25 cases on average annually. These youth are referred to JRBs from schools, juvenile probation, and police departments. The JRBs who responded to these questions had an average success rate ranging between 67% -100%.

YSBs and JRBs either provide services directly through their YSB or make referrals to counseling, mental health programs, and pro-social activities if they don't provide the appropriate services. Most of the YSBs and JRBs agreed that more mental health services are needed. A lack of mental health support for youth and families is a common challenge for YSBs and JRBs. Parents are struggling to get the support they need to understand their child's behavior and engage with appropriate services to address their child's needs. YSBs and JRBs continue to be at or near-maximum capacity and would like to use additional funds for staffing and services for youth. Bridgeport JRB, for example, would use additional funds for hiring case managers with a specialized focus on high-need youth and cases that require more intensive services.

Currently, the Department of Children and Families and the Connecticut Youth Services Association are planning to launch a JRB pilot in early 2022. The JRB system has been working on improvements to the overall process in the past years, and this pilot project builds on these efforts by offering the state an opportunity to establish and test the adoption and implementation of research-based standards, policies, and protocols that could ultimately be adopted statewide, and to collect regular, ongoing data on the pilot JRB performance and youth outcomes to inform statewide legislative, appropriate, and administrative changes to either the existing diversion service system or to establish an alternative approach.

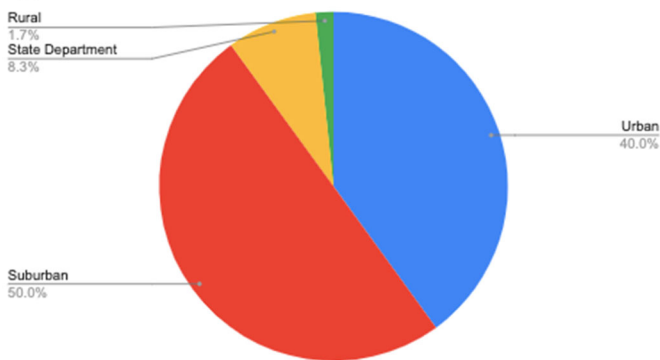
## **IX. Accountability Mechanisms**

The Alternatives to Arrest Implementation Team discussed a variety of mechanisms to measure the effectiveness of programs and services, as well as youth accountability. To measure the success of current programs and services, recidivism data for these Tier 1 offenses should be reviewed. The ultimate goal is to change behavior and reduce recidivism. If a youth is referred to a JRB by police or a school and does not engage in services at all or does not successfully complete the services, the child would be referred back to the original referring agency. That referring agency (police/school) would then have the discretion to decide the next steps to take in the referral process. The options available to the referring agency include, but are not limited to, sending the youth to court or making a DCF referral. Schools and police departments should be trained in these options to understand what actions can be taken if a case is referred back to them.

The team created and distributed a survey to law enforcement officers across Connecticut inquiring about alternatives to arrest for low-level offenses. Survey responses were gathered to determine public opinions of police officers and other law enforcement on what, if any, alternatives to arrest may be implemented to reduce reliance on the juvenile justice system. The full survey analysis can be reviewed in Addendum A. 59 responses were generated from police officers residing in rural, urban, and suburban areas. All had at least three years of law enforcement experience, with the majority having 10+ years of experience in the Department of Corrections, at city police departments, as detectives, and as school resource officers.

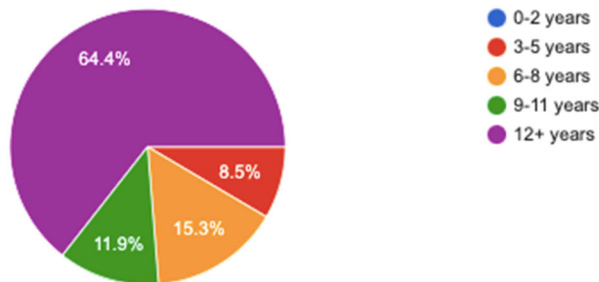
Almost all respondents had juvenile-specific training, usually as an SRO, or CIT training. About two-thirds are current school resource officers (SROs) and, therefore, work with children on a regular basis.

Type of Area



Years of experience in law enforcement

59 responses



Regarding these respondents' relationships with their local Juvenile Review Board and Youth Service Bureau, the findings were mixed. Approximately 50% of respondents indicated an excellent relationship, while about 25% indicated a very poor relationship. The people who had a poor relationship primarily came from the Connecticut State Police Department or from an urban city, such as Waterbury. Those who indicated an excellent relationship came from some urban areas (e.g. Bristol) but most often suburban areas, such as Watertown and South Windsor. The disparities in relationships between police departments and YSBs/JRBs are most likely due to the fact that YSBs and JRBs operate differently. The JRB Pilot and YSB Landscape Analysis will help address the lack of standardization amongst YSBs and JRBs. In addition, the Implementation Team recommends strengthening the relationship between law enforcement and YSB/JRBs. Strategies to strengthen these relationships may include:

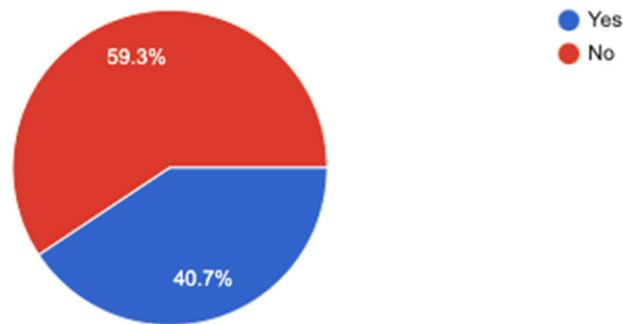
- The local YSB and JRB representatives attending an annual training to present on their services and referral process
- Distribution of YSB/JRB flyers and promotional materials to local law enforcement
- Require an annual online training or Zoom meeting between YSBs/JRBs and law enforcement

Currently, officers are using some options other than arrest that they are utilizing, such as deferring to JRBs and YSBs, warning with mentoring, or simply returning the child to his/her guardian. Even though most

respondents (67.8%) think a greater emphasis on alternatives to arrest will be effective in preventing future offenses, more than half (59.3%) of respondents do not think there should be a standardized procedure for alternatives to arrest for juveniles. Those who do not think that standardized procedures are necessary usually had great relationships with their YSB. Almost half (41.2%) of respondents agree that juveniles should be diverted for first-time low-level offenses, and an additional 21.5% believe they should be diverted for second-time low-level offenses as well.

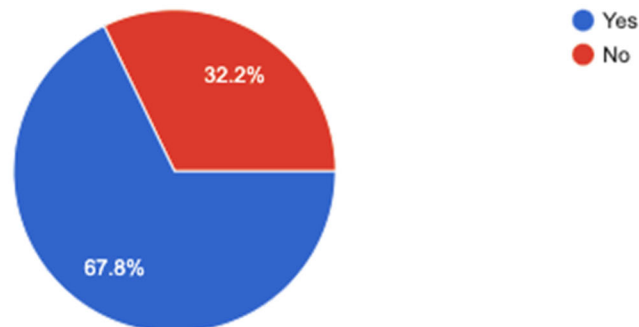
Do you think there should be a standardized procedure for alternatives to arrest for juveniles? Example: all minor breach of peace violation shall result in JRB referral instead of arrest

59 responses

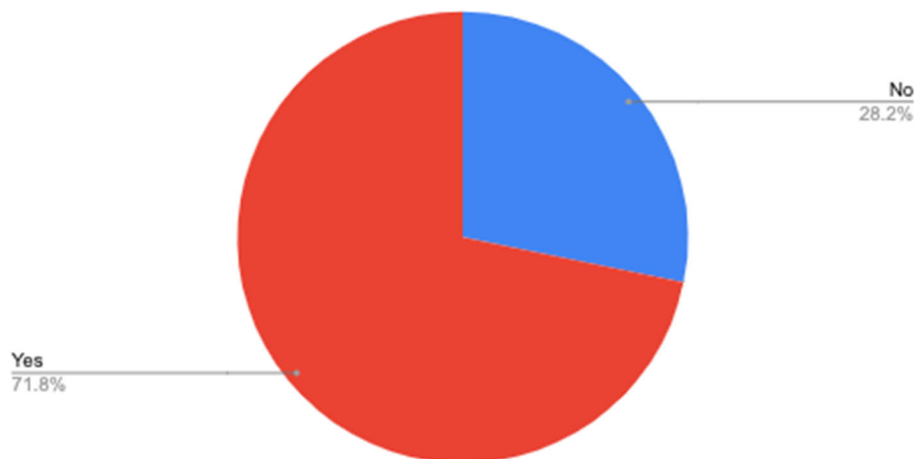


Do you think alternatives to arrest will be effective in preventing future/reoccurring offenses?

59 responses



SROs: Do you think alternatives to arrest will be effective in preventing future/reoccurring offenses?



## X. Current Law Enforcement Juvenile Trainings

The State Police Academy provides training to their recruits for Juvenile Laws. These are the important aspects they are trained on, especially in relation to younger children. The topics that are discussed are mandated reporting, diversion, new/existing public acts, and special rights. Children are afforded special rights such as confidentiality and possible erase of records. Emancipated minors do not go to juvenile court, they are handled the same as an 18-year-old adult. For delinquency cases, jurisdiction is determined by three factors: the juvenile's age on the date of the offense, the offense, and the law in effect on the date of the offense. There are criteria to be eligible for the juvenile review board which includes the offense not being a felony and the juvenile admitting responsibility for the offense. Some factors that police consider for diversion include the seriousness of the offense, age, and prior police involvement. Some factors that should never be considered are race, sex, or appearance. Possible diversions include psychological evaluation, substance abuse assessment, counseling, or community service.

Troopers are advised that when dealing with juveniles between 7-11 years old, discretion is encouraged, and alternative interventions can be taken by troopers in lieu of arrest. Troopers may contact 211 for resources or to relate to emergency mobile psychiatric services. Juveniles can be released to parent/guardian/agency/themselves. Juveniles may be secured in an adult cell for no more than 6 hours. Juveniles cannot be referred to juvenile court for any of the behaviors that previously were under FWSN offenses. Troopers should consider utilizing 211, EMPS referrals, or DCF referrals.

Mandated reporters are required to make a verbal report to DCF Careline within 12 hours of reported abuse/neglect and submit a written report within 48 hours of the initial complaint. The police have six options for juvenile delinquency cases:

1. Warn the juvenile
2. Refer juvenile to JRB
3. Arrest juvenile by juvenile summons and refer to court
4. 19.05.03



5. Arrest juvenile, obtain an order to detain signed by a superior court judge, and transport to juvenile detention center only after order to detain is signed
6. Obtain a juvenile arrest warrant only if a significant period has elapsed from the time of the offense.

In the survey, respondents were asked what additional training would be helpful. Most responded that training on youth mental health, identifying/handling trauma in youth, and on what community resources are already available would be beneficial. About half also requested better training on adolescent development and how to make referrals to certain services. Requiring training specific to these topics will be helpful for law enforcement to effectively implement these diversionary changes.

Although the majority of respondents believe the current programs in their communities are at least somewhat helpful, the main resources said to be lacking are mental health resources, substance abuse resources, gang violence resources, after-school programs, family engagement resources, and mentoring. Family engagement resources are said to be particularly lacking. In terms of measuring the success of these community-based programs, data on recidivism rates, level of youth engagement, overall juvenile crime rate, and the number of community complaints would be helpful in determining the effectiveness of alternatives to arrest.

Given the results of this survey, the Implementation Team will conduct another survey on the Tier 2 offenses in order, as well as a thorough follow-up survey, to continue their involvement in this important work. Additionally, there should be a report presented to JJPOC 1 year following implementation that reviews the process and data, including, but not limited to, referral and program completion, use of ticket books, recidivism data. The annual strategic report presented to the JJPOC by the Cross-Agency Data Sharing Workgroup should also include an update on the YSB and JRB diversion data.

## **XI. Data Collection for Tracking Referrals**

One of the best tools in ensuring the optimization of diversion programs is a robust and ethical data policy. Regularly examining arrest and diversion data will provide information concerning the optimal alternatives to arrest, spotlight areas that require additional attention and assist in policy development. YSBs and JRBs are required to submit [data](#)<sup>3</sup> to DCF on an annual basis, which includes information on demographics, family, arrests, and results. Currently, schools use the [YSB referral form](#)<sup>4</sup> to refer a child to their local YSB. The YSB referral form collects demographic information, as well as information on the child's behavior, history, and system involvement.

According to the law enforcement survey, most officers collect juvenile data through a juvenile arrest log or computer-based system. With this plan, youth who commit Tier 1 offenses shall be referred to a YSB or JRB for their first and second time. It is important for this policy to be standardized across the state in order to minimize discretion, and therefore minimize racial bias. Currently, there is much variability in how respondents currently keep track of juvenile arrest data. Most respondents keep either a juvenile arrest log (62.7%), JRB log (39%), and LEAS or other report writing system (69.5%). However, some keep a YSB log,

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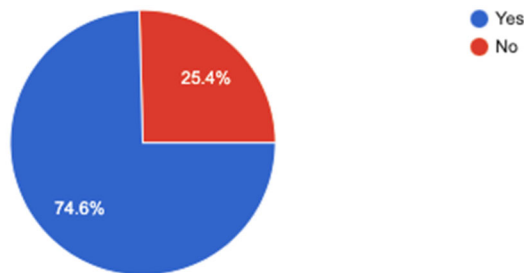
<sup>3</sup> <https://www.ctyouthservices.org/Diversion/Important-Documents/>

<sup>4</sup> <https://www.ctyouthservices.org/Diversion/Important-Documents/FWSN-Referrals-to-YSBs/>

have a records management database, or even maintain an independent log. The majority of respondents (69.5%) also collect and store data on juveniles who are not arrested, mainly through LEAS. However, this tracking data is also variable, from keeping a Google Doc or Excel sheet, to formally submitting it via a report to the records management system, to keeping an SRO mediation log. This data includes the type of charge and the officer's response/action, but rarely includes the recidivism rate. As a result, longitudinal data and the effectiveness of the officer's response is not currently being tracked. About 75% of respondents follow up on juvenile cases, yet 85% believe there is a need to follow up on juvenile cases to determine effectiveness of alternative programs other than arrest.

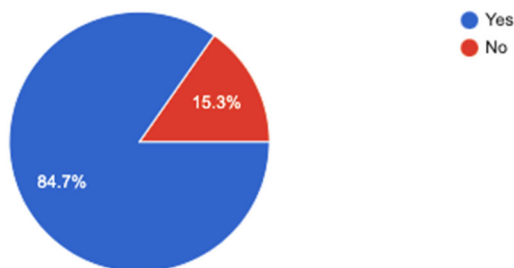
Do you follow up on juvenile cases?

59 responses



Do you feel there is a need to follow up on juvenile cases?

59 responses



Many police departments use a JRB ticket book (Addendum B) to refer a child to their local JRB. Information collected on a JRB ticket includes the child's demographic information, as well as family information and reason for referral. There is space to document which law, ordinance, or school rule has been violated. There is also an agreement outlined and signed by the child and their guardian with the contact information of the local JRB. Once the ticket is filled out with the appropriate information, the child is given the ticket and the officer keeps the carbon copy for their records.

To standardize this process, it is recommended that all police officers use a JRB ticket book or "Diversion" ticket book to track their referrals to JRBs and YSBs. YSBs, JRBs, and police departments in the same town should track all referrals and work collaboratively to ensure only first-time and second-time offenders are being diverted to these services. This may require additional training in order to create a uniform system and process for diversion referrals. All stakeholder groups should receive training and information on any new policy and procedure changes. It may also be beneficial for departments to receive specific

training on existing community resources available in their specific area. There are many other larger states, such as Massachusetts and Florida that have already standardized a diversion process. Connecticut is a small state and should work towards a similar process.

## **XII. Process for Victim Input**

Although many of the Tier 1 offenses do not include a victim, it is important to ensure a process for victim input and involvement. Victims should also be given the opportunity to receive services and be included in the case processing. Currently, through the JRBs, there is a mediated process for the youth to understand how their behavior harmed the victim and community, acknowledge that their behavior harmed others, and take responsibility to repair the harm through direct or indirect action. In addition to promoting accountability and resolving the root issue, the JRB considers the needs of the victim involved. The victim can also be included as a member of the JRB. The victim can also be included as a member of the JRB in cases where it is appropriate and when there is agreement from the victim to participate. There are several ways a victim can be involved in the process including participation in the JRB process (when appropriate), a victim statement to be used during the process, or involvement in the repairing of harm or restoring of relationships as a part of the contract. Victims are able to request limited information from the JRB to include name, address, etc. in case there is a need for civil action, as well as the overall outcome of the case (successful, non-successful, etc.). Victims are not privy to specific case information or regarding recommendations outside of what may involve them as the victim.

About half (55.9%) of the law enforcement respondents believe victims should have some influence on the outcome of any juvenile offense. Such inclusion can be in the utilization of restorative justice processes or through victim impact statements. According to some respondents, victims should also be aware of alternatives to arrest that are possible outcomes for the juvenile, and victims' opinions should be considered. Victims could be included on the board for diversionary processes so that proper accountability is implemented. Conversely, victims should be able to ask for apology letters or some other personal reparation. In some cases, if the victim does not want the juvenile to be prosecuted, this should be noted during the decision-making process.

Using a restorative justice framework, the offender, victim, and community may come together through mediation programs. This framework should be trauma-informed, developmentally-informed, and racially informed in order to allow for meaningful victim input, while balancing the rights of the child. Training for law enforcement, as well as YSBs and JRBs representatives, should include trauma-informed practices and how to work with victims. Further details regarding victim input and process will be presented in the JRB Pilot program and YSB Landscape Analysis.

## **XIII. Resources**

The Implementation Team understands the importance of highlighting available community resources for youth and families. Many important service topics include positive youth development, employment training, educational support, mentoring programs, family therapy, individual counseling, drug prevention programs, and more. There are many specific organizations and programs available to local regions of Connecticut

that can be found by calling 2-1-1 or accessing the 2-1-1 website ([2-1-1 Connecticut \(211ct.org\)](https://211ct.org)). Also, local Youth Service Bureaus will be able to refer clients to services and resources specific to the area. The following resources exemplify and highlight some of the vast array of service categories available to youth and their families. The Department of Children and Families has also put together a resource guide for local supports and services across the state ([Supports & Services | Wrap CT \(connectingtocarect.org\)](https://connectingtocarect.org)).

### **Positive Youth Development**

Organizations that practice Positive Youth Development (PYD) intentionally engage youth in a prosocial manner in various surroundings like their school, family, and community groups. This approach emphasizes and enhances the individual strengths of each youth and improves their leadership capacity. This model was initially rooted in preventing specific, negative outcomes for youth, such as juvenile delinquency or substance abuse. However, it has since evolved to an overall strategy in strengthening youth resiliency. When proposing a potential PYD associated program, it is important to incorporate the following four aspects that, when taken as a whole, result in healthy and empowered youth. These domains are assets, agency, a supportive environment, and contribution. First off, there is asset development, which gives young people the means to accomplish their goals. Secondly, agency means that participants have the ability to act upon their own strengths and follow their own goals without fear of retribution. Next, an enabling environment will allow youth to feel safe and take advantage of their unique abilities. Lastly, encouraging contributions from youth members gives them ownership over their development.

### **Mental and Behavioral Health**

Many youth who are at risk of or have been processed in the juvenile justice system experience some form of a mental health concern. Moreover, the more frequent the youth has contact with the juvenile justice system, the greater chance they have a mental health disorder. When these concerns are not properly treated, it is more likely that the youth will behave in a negative manner. Likewise, it is not uncommon for many of these youth to have experienced some form of trauma in the past (or are continuing to be abused), which can have a severe impact on their development. Fortunately, there is a multitude of types of services to help these individuals. Treatment plans that include individual/group therapy and/or proper medication can greatly assist these youth.

### **Mentoring**

A mentor is an experienced individual who provides guidance to another. There are many young people who lack a supportive authority figure in their lives who can help keep them focused on achieving long-term goals and staying out of trouble. Thusly, there is a multitude of benefits for youth who have a trusted mentor in their life. Some of these demonstrated benefits include an increased chance of graduating high school and enrolling in a post-secondary education opportunity, the ability to make and maintain healthier lifestyle decisions, a heightened sense of self-worth, and developing strong relationships with friends, family, and other individuals. Studies have additionally observed decreases in alcohol/drug use, violence, and other negative behaviors in youth involved in a mentoring program. Furthermore, mentoring programs serve as great preventative and diversionary opportunities for at-risk youth.

## Family Support

The family is the foundation of society, it is where we develop our first relationships and learn how to interact with others. However, there are numerous factors that can lead to an unstable family situation where members can neglect the needs of those who should be closest to them. Family support organizations seek to address these deficiencies. These organizations can offer a variety of useful services, including identification and intervention in instances of abuse, providing group therapy and conflict reconciliation, education involving the social and emotional skills to be a better parent/offspring, and building a strong support network consisting of contacts throughout the community that allow all members to feel safe. When problems at home are addressed, a strong foundation is created. Youth can then build upon this and improve other aspects of their lives.

## XIV. Conclusion

The Implementation Team created this plan with the intent of diverting low-risk youth away from the juvenile justice system. The recommendation to automatically divert first and second-time offenses for simple trespass, public disturbance, disorderly conduct, and larceny sixth degree as of July 1, 2022, will prioritize the appropriate resources for youth in the community and avoid the potential negative and traumatic impact of system involvement. Additionally, strengthening the relationship between law enforcement and their local YSBs/JRBs, increasing training, and standardizing the referral process will create a more unified system for our youth. To implement these changes, legislation will need to be drafted and approved. The Alternatives to Arrest Implementation Team will then create educational materials that can be distributed to law enforcement and schools to assist them in training on these new changes. Lastly, the team will continue their work in 2022 and focus on mandatory pre-arrest diversion efforts for Tier 2 offenses using a similar process for this plan. The team would like to thank the representatives from the local YSBs and JRBs, law enforcement, Office of the Early Childhood, Council of State Governments, and additional presenters for assisting in the creation of this implementation plan and dedicating their careers to supporting youth.

## XV. Addendum A

### 2021 Alternatives to Arrest – Law Enforcement Survey Form & Results

Public Act 21-174 established an Implementation Team to develop a plan for automatic pre-arrest diversion of children. These children would instead be referred to youth service bureaus or other services in lieu of arrest for first and second-time offenses for Tier 1, which includes infractions such as:

- simple trespass under section 53a-110a of the general statutes
- creating a public disturbance under section 53a-181a of the general statutes
- disorderly conduct under section 53a-182 of the general statutes
- larceny sixth degree under section 53a-125a or 53a-125b of the general statutes

This Implementation Team includes representatives from Judicial Branch Court Support Services Division (JBCSSD), Public Defenders Office, Chief State’s Attorney’s office, the Connecticut State Department of Education, Department of Children and Families, Department of Corrections, members of the JJPOC Diversion Workgroup, public school administrators, law enforcement, and children and community members.

As a representative of law enforcement, we need your feedback on our work. We would greatly appreciate your response to this survey by the end of November 21<sup>st</sup>, 2021.

### Demographics

1. Current department \_\_\_\_\_
2. Previous law enforcement experience \_\_\_\_\_
3. How many years of law enforcement experience
  - a. 0-3
  - b. 4-7
  - c. 8-11
  - d. 12-15
  - e. 16+
4. Do you have any juvenile-specific training?
  - a. Yes, if so, what \_\_\_\_\_
  - b. No
5. Are you a SRO?
  - a. If so, was there an application or were you hand-selected
  - b. No

### Process

1. What other options are you using other than arrest?
  - a. Juvenile Review Boards
  - b. Youth Service Bureaus
  - c. Warning with mentoring

- d. Return youth to guardian
  - e. Other \_\_\_\_\_
2. Do you think there should be a standardized procedure for alternatives to arrest for juveniles?  
Example: all minor breach of peace violation shall result in JRB referral instead of arrest
    - a. Yes
    - b. No, if no, why not \_\_\_\_\_
  3. Do you think that victims should have input in a juvenile's disciplinary outcome?
    - a. Yes, provide an example
    - b. No
  4. Do you think alternatives to arrest will be effective in preventing future/reoccurring offenses?
    - a. Yes
    - b. No, if not, why not \_\_\_\_\_

### **Data Collection**

1. How do you currently keep track of juvenile arrest data?
  - a. Juvenile arrest log
  - b. JRB log
  - c. YSB log
  - d. LEAS or other report writing system
  - e. Other \_\_\_\_\_
2. Do you collect data on juveniles who are not arrested? I.e. warnings/referrals to review boards
  - a. Yes, if yes, how \_\_\_\_\_
  - b. No
3. Do you collect any juvenile data specific to:
  - a. the types of charges Yes or No
  - b. officer's actions/response Yes or No
  - c. Recidivism rates Yes or No
  - d. Other \_\_\_\_\_
4. Do you follow up on juvenile cases?
  - a. Yes
  - b. No
5. Do you feel there is a need to follow up on juvenile cases?
  - a. Yes, why \_\_\_\_\_
  - b. No, why not \_\_\_\_\_

### **Support**

1. Is there an area that you feel is lacking in community resources?
  - a. Mental health
  - b. Substance abuse
  - c. Gang violence
  - d. After school programs
  - e. Family engagement

- f. Other \_\_\_\_\_
- 2. How effective do you think the programs are in your community?
  - a. 1 (very ineffective) -10 (very effective)
- 3. Do you know the timeframe from initial contact to when services begin (waitlists)?
  - a. Yes, if so, what do you do if there is a waitlist?
  - b. No
- 4. How would you describe your relationship with your local JRB?
  - a. 1 (not close at all) – 10 (very close)
- 5. How would you describe your relationship with your local YSB?
  - a. 1 (not close at all) – 10 (very close)
- 6. What do you think would help measure the success of these community-based programs/services?
  - a. Level engagement with youth
  - b. Recidivism rates
  - c. Overall juvenile crime rate
  - d. Number of community complaints
  - e. Other \_\_\_\_\_
- 7. What additional trainings would be helpful for you?
  - a. Community resource trainings specific to your area
  - b. Mental health trainings for youth
  - c. Adolescent Development
  - d. Other \_\_\_\_\_

The JJPOC sent a survey inquiring about alternatives to arrest to law enforcement officers around the state of CT. Survey responses were gathered to determine public opinions of police officers and other law enforcement on what, if any, alternatives to arrest may be implemented to reduce reliance on the juvenile justice system. Officers were from the following areas: Waterbury, Simsbury, Wallingford, Watertown, Bristol, North Haven, Fairfield, Redding, Plainville, Bristol, Waterford, Glastonbury, Stamford, South Windsor, Berlin, Guilford, Weston, Farmington, and Connecticut State.

59 responses were generated from police officers residing in rural, urban, and suburban areas. All had at least three years of law enforcement experience, with the majority having 10+ years of experience in the Department of Corrections, at city police departments, as detectives, and as school resource officers. Almost all respondents had juvenile-specific training, usually as an SRO or CIT training. About two-thirds are current school resource officers (SROs) and, therefore, work with children on a regular basis. Those who work as SROs usually applied and were selected after a board interview. Regarding these respondents' relationships with their local Juvenile Review Board and Youth Service Bureau, findings were mixed. Approximately 50% of respondents indicated an excellent relationship, while about 25% indicated a very poor relationship. The people who had a poor relationship primarily came from the Connecticut State Police Department or from an urban city, such as Waterbury. Those who indicated an excellent relationship came from some urban areas (e.g. Bristol) but most suburban areas, such as Watertown and South Windsor.

Currently, these individuals do have some options other than arrest that they are utilizing, such as deferring to JRBs and YSBs, warning with mentoring, or simply returning the child to his/her guardian. Even though



most respondents (67.8%) think a greater emphasis on alternatives to arrest will be effective in preventing future offenses, more than half (59.3%) of respondents do not think there should be a standardized procedure for alternatives to arrest for juveniles. Those who do not think that standardized procedures are necessary usually had great relationships with their YSB. Almost half (41.2%) of respondents agree that juveniles should be diverted for first-time low-level offenses, and an additional 21.5% believe they should be diverted for second-time low-level offenses as well. However, many respondents do not agree with automatic diversion, citing the need for review on a case-by-case basis, since there is no universal definition of a 'low-level' offense and limits the discretion of law enforcement officials.

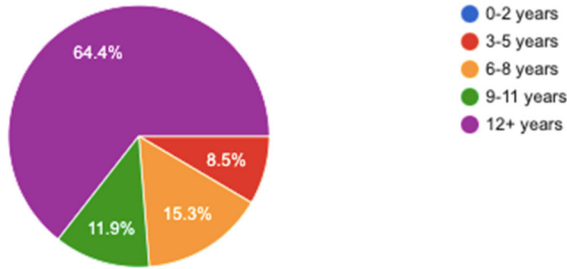
Regarding victim input, about half (55.9%) believe victims should have some influence on the outcome of any juvenile offense. Such inclusion can be in the utilization of restorative justice processes or through victim impact statements. According to some respondents, victims should also be aware of alternatives to arrest (JRB meetings, corrective programs, etc.) that are possible outcomes for the juvenile, and victims' opinions should be considered. Victims could be included on the board for diversionary processes so that proper accountability is implemented. Conversely, victims should also be able to speak directly with the victim, ask for apology letters or some other personal reparation. In some cases, if the victim does not want the juvenile to be prosecuted, this should be noted during the decision-making process.

There is much variability in how respondents currently keep track of juvenile arrest data. Most respondents keep either a juvenile arrest log (62.7%), JRB log (39%), and LEAS or other report writing system (69.5%). However, some keep a YSB log, have a records management database, or even maintain an independent log. The majority of respondents (69.5%) also collect and store data on juveniles who are not arrested, mainly through LEAS. However, the tracking of this data is also variable, from keeping it in Google Docs or Excel sheets, to formally submitting it via a report to the records management system, to keeping an SRO mediation log. This data includes the type of charge and the officer's response/action but rarely includes the recidivism rate. As a result, longitudinal data and the effectiveness of the officer's response are not currently being tracked. About 75% of respondents follow up on juvenile cases, yet 85% believe there is a need to follow up on juvenile cases to determine the effectiveness of alternative programs other than arrest. Although the majority of respondents believe the current programs in their communities are at least somewhat helpful, the main resources said to be lacking are mental health resources, substance abuse resources, gang violence resources, after-school programs, family engagement resources, and mentoring. Family engagement resources are particularly said to be lacking. In terms of measuring the success of these community-based programs, data on recidivism rates, level of youth engagement, overall juvenile crime rate, and number of community complaints would be helpful in determining the effectiveness of alternatives to arrest.

Finally, respondents were asked what additional training would be helpful. Most responded that training on youth mental health, identifying/handling trauma in youth, and on what community resources are already available would be beneficial. About half also requested better training on adolescent development and how to make referrals to certain services.

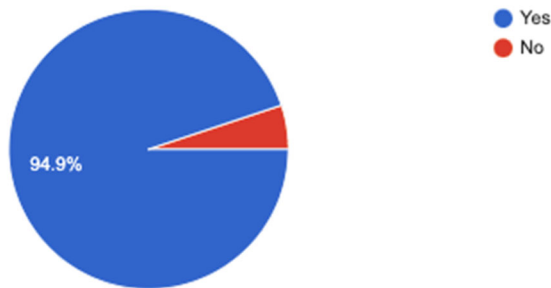
Years of experience in law enforcement

59 responses



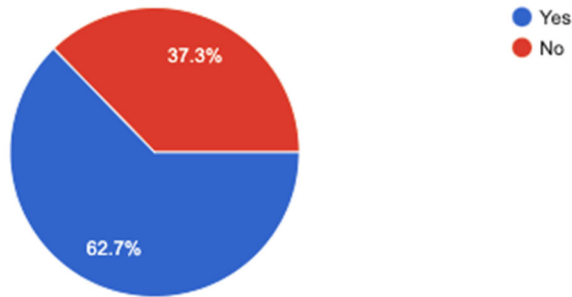
Do you have any juvenile specific training?

59 responses



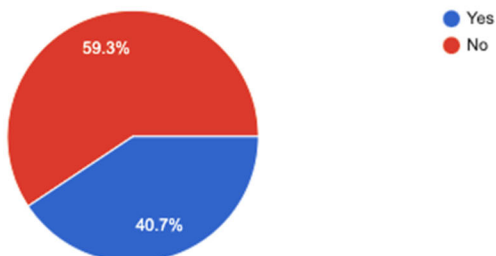
Are you a School Resource Officer?

59 responses



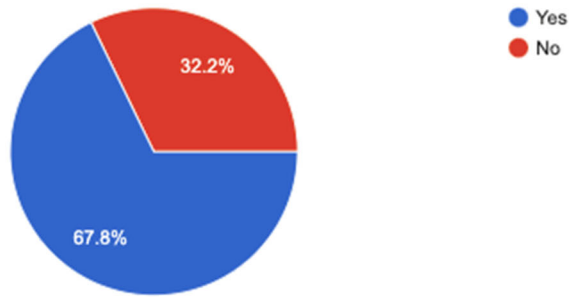
Do you think there should be a standardized procedure for alternatives to arrest for juveniles? Example: all minor breach of peace violation shall result in JRB referral instead of arrest

59 responses



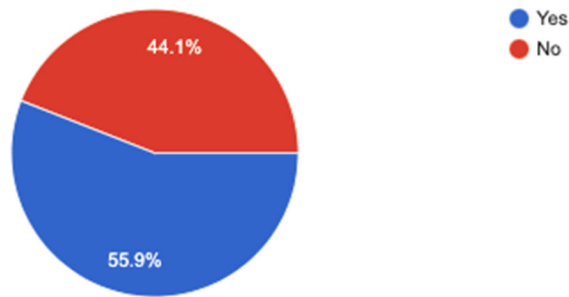
Do you think alternatives to arrest will be effective in preventing future/reoccurring offenses?

59 responses



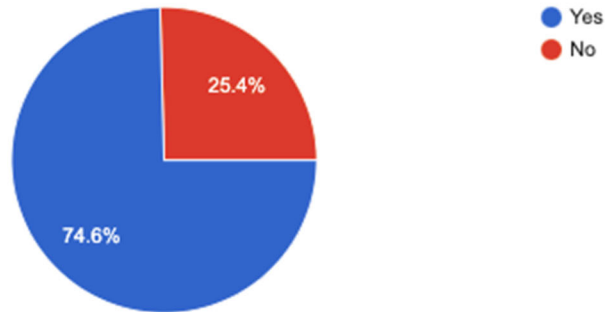
Do you think that victims should have input in the outcome of any juvenile offense?

59 responses



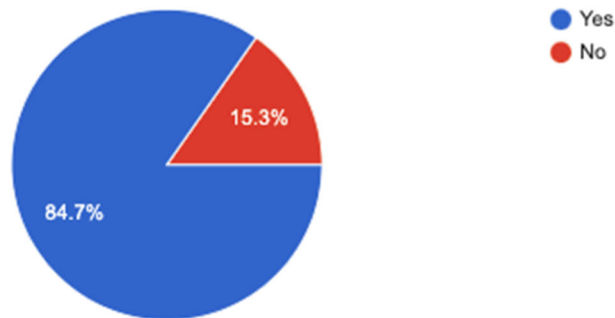
Do you follow up on juvenile cases?

59 responses



Do you feel there is a need to follow up on juvenile cases?

59 responses



### Current Law Enforcement Juvenile Trainings

The State Police Academy provides training to their recruits for Juvenile Laws. These are the important aspects they are trained on, especially in relation to younger children. The topics that are discussed are mandated reporting, diversion, new/existing public acts, and special rights. Mandated reporters are required to make a verbal report to DCF Careline within 12 hours of reported abuse/neglect and submit a written report within 48 hours of the initial complaint. The police have six options for juvenile delinquency cases:

1. Warn the juvenile
2. Refer juvenile to JRB
3. Arrest juvenile by juvenile summons and refer to court
4. 19.05.03
5. Arrest juvenile, obtain an order to detain signed by a superior court judge, and transport to juvenile detention center only after order to detain is signed
6. 6. Obtain a juvenile arrest warrant only if a significant period has elapsed from the time of the offense.

Troopers are advised that when dealing with juveniles between 7-11 years old, discretion is encouraged, and alternative interventions can be taken by troopers in lieu of arrest. Troopers may contact 211 for resources or to relate to emergency mobile psychiatric services. Juveniles can be released to parent/guardian/agency/themselves. Juveniles may be secured in an adult cell for no more than 6 hours. Automatic transfers to adult court are very limited. 15 years old is the minimum age that will be considered for transfer to the adult court, regardless of the charge. Juveniles cannot be referred to juvenile court for any of the behaviors that previously were under FWSN offenses. Troopers should consider utilizing 211, EMPS referrals, or DCF referrals.

Children are afforded special rights such as confidentiality and possible erase of records. Emancipated minors do not go to juvenile court, they are handled the same as an 18-year-old adult. For delinquency cases, jurisdiction is determined by three factors: the juvenile's age on the date of the offense, the offense, and the law in effect on the date of the offense. There are criteria to be eligible for the juvenile review board which includes the offense not being a felony and the juvenile admitting responsibility for the offense. Some factors that police consider for diversion include the seriousness of the offense, age, and prior police involvement. Some factors that should never be considered are race, sex, or appearance. Possible diversions include psychological evaluation, substance abuse assessment, counseling, or community service. For juvenile summons procedure, a juvenile charged with a crime should be serviced with a complaint and summons by the police upon the release of the juvenile to a responsible adult. There is a requirement to place a juvenile in detention if there is probable cause or no less restrictive alternatives. Detention should be considered when a juvenile is arrested for a serious juvenile offense involving violence, weapons, or gang. For arrest and booking, a juvenile may be required to take fingerprints and photographs. The police do not set bond or any other conditions of release in juvenile cases.

When taking a statement from a juvenile if under 16, having a parent or guardian present is a requirement. Any admission, confession, or statement by a child under 16, 16, or 17 is inadmissible in court. The presence of a parent is not required for statements taken from child witnesses and victims but is strongly recommended. Family violence crimes require mandatory arrest, next-day court appearance, certain reporting requirements, and conditions of release. For processing a juvenile case, non-judicial handling includes a warning or supervision. Judicial handling includes discharge with/without warning or probation. A child transferred from the juvenile court to the adult court loses all juvenile protections.