

2022 Legislative Package

March 10, 2022

Table of Contents

I. Fact Sheets

1. Alternatives to Arrest
2. Pedestrian Stop Data
3. GPS Monitoring
4. Car Thefts
5. JJPOC Successes

II. Additional Fact Sheets

1. Protect Act 2022
2. Community Care not cuffs
3. Important Updates to Connecticut's Juvenile Justice Reforms
4. CTJA Raise the Age of Arrest to 14
5. CTJA Chemical Agents
6. CTJA Remove Police from Schools
7. CTJA Youth in Prison like Environments
8. CTJA Car Thefts
9. CTJA Young People and Connecticut's Adult Carceral System

Scan below to read full 2022 JJPOC Recommendations or visit towyouth.newhaven.edu/jjpod-recommendations.





Alternatives to Arrest

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. In addition, 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. 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.

Data

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, 2nd Degree; Larceny, 6th 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% 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.

Impact on Racial and Ethnic Disparities

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.

Fiscal Impact

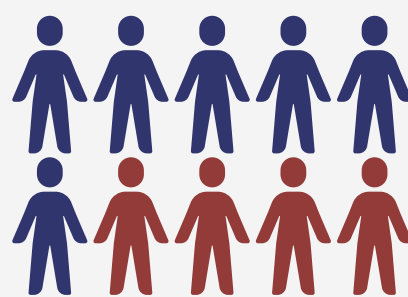
In addition, implementation of such programs is a more fiscally responsible course of action. Expanding alternative to arrest options for youth who have committed low-level offenses or low-level behaviors frees up limited resources of the juvenile justice system to support youth that are higher risk 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.

Alternatives to Arrest

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.

DID YOU KOW?

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.



DID YOU KNOW?



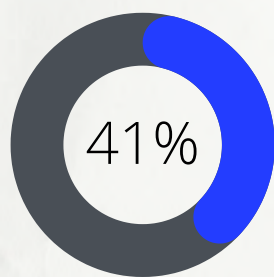
The more limited the individual is in their access to opportunities to advance their development, the more likely they will experience negative health outcomes or even re-offend.

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.

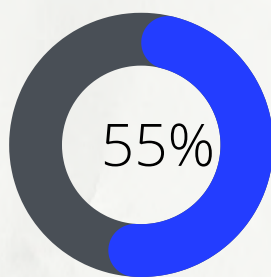


FACT:

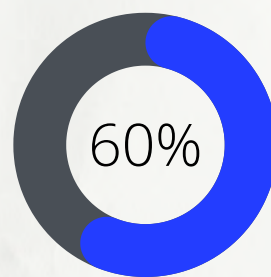
Diversion is a more cost-effective public safety strategy than court processing for low-risk youth. As a result, diversion is an effective solution to directly address racial and ethnic disparities in the juvenile justice system.



In 2018, 41% of all referrals to the juvenile court were first time referrals demonstrating that opportunities exist to expand diversion.



Five low-level offenses represented 55% of all misdemeanor referrals to juvenile court in 2018.



The same five offenses represent nearly 60% of all first time misdemeanor referrals.

There are numerous points throughout the pre-booking process that may contribute to racial inequity. 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.



Pedestrian Stop Data Collection

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. 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. In addition, repeated stops of youth by law enforcement have been shown to cause anxiety, trauma, or lower educational performance in these youth.

Currently, data is only provided for racial profiling that occurs at traffic stops, omitting racial profiling at 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. 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.

Connecticut

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 all 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.

Research

National studies have reported the intense and damaging impact of repeated stops by police. In 2019, a study was conducted by Joscha Legewie and Jeffrey Fagan found that aggressive policing can cause a decrease in the 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. Another study conducted by the American Journal of Public Health in 2014 found that young men who reported police contact, specifically more intrusive contact, experienced higher levels of anxiety and trauma.

National Pedestrian Stop Data Collection

- 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".
- The Metropolitan Police Department of the District of Columbia is required to document pedestrian stops, facilitated by their Stop Data program.
- 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.
- 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

- 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.
- Data about pedestrian stops of young people can 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, pedestrian stop 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.

PEDESTRIAN STOP DATA COLLECTION

Youth are consistently stopped by law enforcement, yet there is no data to determine if these stops were motivated by race or ethnicity.

Repeated stops of youth by law enforcement have been shown to cause anxiety, trauma, or lower educational performance in these youth.



Solely collecting data on traffic stops omits any information on the impact of youth under 16 or youth who do not drive.

Currently, data is only provided for racial profiling that occurs at traffic stops, omitting racial profiling at pedestrian stops.

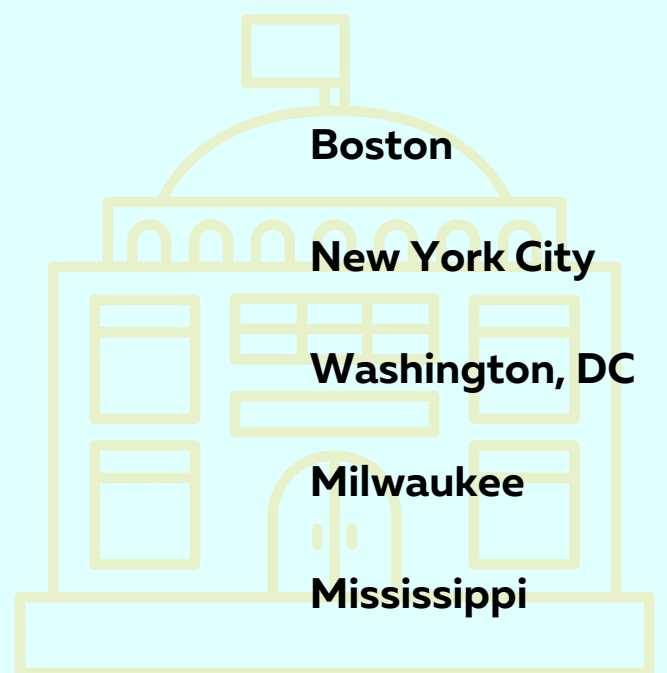
Racial profiling at pedestrian stops must be reported as substantial evidence supports the finding that youth in Connecticut come in contact with law enforcement on the street rather than driving.



Connecticut needs to start reporting racial profiling during pedestrian stops to achieve a more comprehensive image of law enforcement's interaction with youth.

Given the negative consequences associated with law enforcement contact for youth, pedestrian stop 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

Nine municipalities across the country have begun to collect pedestrian stop data.



Boston

New York City

Washington, DC

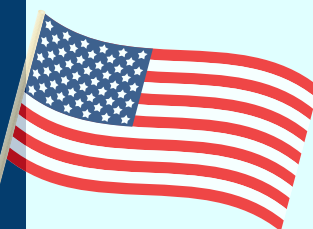
Milwaukee

Mississippi

California

Illinois

Oregon





Electronic Monitoring

Background

There is very little data regarding recidivism and electronic monitoring and there is no evidence it is rehabilitative. In fact, a 2016 study suggests that the financial penalties often associated with electronic monitoring increase the likelihood of recidivism among youth in the youth justice system. In addition, fees fall disproportionately on people of color and low-income populations. For example, in Wayne County Michigan, black people are two times more likely to be under electronic monitoring.

In general, there is a lack of research, data, and transparency surrounding the functioning and impact of electronic monitoring on young people. The disruption caused by monitors includes limited access to certain areas, installation and daily fees for monitors, landline or cellphone requirements, trouble finding a job, inability to change schedules or respond to emergencies, and social stigmatization.

A report from the Juvenile Law Center notes how electronic monitoring could become a form of incarceration itself through a disproportionate impact on black youth, stigmatizing vulnerable communities, damaging family dynamics, and increasing poverty through expensive repairs. Because of restrictions on movement and social stigma surrounding monitoring, people under surveillance are less likely to access key locations like hospitals, schools, and jobs.

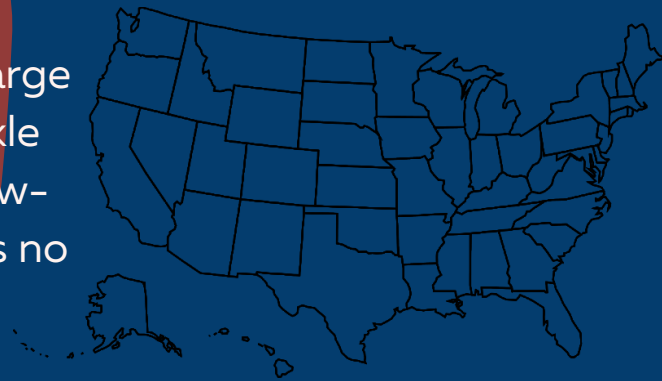
Impact of Electronic Monitoring on Youth

1. **Financial Cost:** Most states allow courts and agencies to charge children and their guardians the cost of ankle monitors. These fees can include the cost of monitors, repairs, application fees, and associated technology, which fall disproportionately on low-income youth and youth of color.
2. **Privacy Concerns:** GPS data from monitors are collected and stored in ways that can be accessed by law enforcement and private companies. Law enforcement can then use this privately collected data to increase the number of interactions young people will have with the police.
3. **Rigid Conditions:** Overly rigid conditions, like obtaining approval before leaving the home, or not exempting youth from responsibility when their electronic monitoring equipment breaks, set youth up to fail. Electronic monitoring is a poor fit given the realities of adolescent development. Without any additional community support or programming, electronic monitoring does little more than criminalize youthful behavior.
4. **Impact:** Electronic monitoring does not lower incarceration rates, is not rehabilitative, and is not cost-effective.

ELECTRONIC MONITORING

There is very little data regarding recidivism and electronic monitoring and there is no evidence it is rehabilitative.

Most states allow courts and agencies to charge children and their guardians the cost of ankle monitors. This falls disproportionately on low-income youth and youth of color and there is no evidence it is rehabilitative.



A 2016 study suggests that the financial penalties associated with electronic monitoring increase the likelihood of recidivism among youth in the youth justice system.

Juvenile Law Center notes electronic monitoring could become a form of incarceration itself through a disproportionate impact on black youth, stigmatizing vulnerable communities, damaging family dynamics, and increasing poverty through expensive repairs.



GPS data from monitors are collected and stored in ways that can be accessed by law enforcement and private companies.

GPS MONITORING

Overly rigid conditions, like obtaining approval before leaving the home, or not exempting youth from responsibility when their equipment breaks, set youth up to fail. Electronic monitoring is a poor fit given the realities of adolescent development.



Because of restrictions on movement and social stigma surrounding monitoring, people under surveillance are less likely to access key locations like hospitals, schools, and jobs.



Motor Vehicle Thefts

Background

Motor Vehicle Thefts committed by teens and young adults continue to be a concern for many states and municipalities. Research finds that laws targeting the age of juvenile jurisdiction are unlikely to have any lasting or meaningful impact on general MVT trends. Also, motor vehicle thefts are reported at a higher percentage than other crimes but have one of the lowest clearance rates. A report from the National Insurance Crime Bureau (NICB) indicates that *“considerations such as a pandemic, economic downturn, loss of juvenile outreach programs, and public safety budgetary and resource limitations are likely contributing factors.”*

National

- According to NICB, MVT increased by 9.2% nationally between 2019 and 2020.
- According to a 2019 study by Circo and Scranton, both violent and property crimes consistently decreased during a 10-year period which includes years prior to RTA and after RTA (2008 to 2017).
- In particular, property crimes such as burglary and larceny were down approximately 42% and 26% respectively.
- Current Motor Vehicle Theft trends align with the impact from the pandemic, economic downturn, loss of juvenile outreach programs, and public safety budgetary and resource limitations.

Connecticut Data

The MVT rate in Connecticut dropped 14% from 8,439 in 2020 to 7,282 in 2021. We need to recognize that 2020 was an aberration, most likely a result of the pandemic.

In the past decade, Connecticut's MVT rate has remained below the national average, and it has dropped by a larger percentage over the last decade.

- Connecticut's MVT rate dropped by a significantly larger percentage between 2018 and 2019 than the national average.
- Between 1991 and 2019, CT has seen a 77% decrease compared to a 43% reduction nationally.
- 2019 was the lowest MVT rate since CT began publishing data in 1985

There has been a 93% increase in Motor Vehicle Theft with keys left inside since 2013.

- The total of vehicles stolen with keys each month rises during cooler temperatures.

The age of those arrested has remained fairly stable over the last 10 years. On average:

- 2020 Individuals under 18 accounted for 36% of all MVT arrests
- 2010- 2019 Individuals under 18 accounted for 28% of all MVT arrests
- 1998-2009 under 18 accounted for 48% of all MVT arrests
- 1992-1997 under 18 accounted for 34% of all MVT arrests



MOTOR VEHICLE THEFT

Research finds that laws targeting the age of juvenile jurisdiction are unlikely to have any lasting or meaningful impact on general MVT trends.

2019

According to a **2019 study by Circo and Scranton**, both violent and property crimes consistently decreased during a 10-year period which includes years prior to Raise The Age and after Raise The Age (2008 to 2017).

42%

26%

In particular, property crimes such as burglary and larceny were down approximately 42% and 26% respectively.

Current Motor Vehicle Theft trends align with the impact from the pandemic, economic downturn, loss of juvenile outreach programs, and public safety budgetary and resource limitations.

According to NICB, MVT increased by 9.2% nationally between **2019 and 2020**.

9.2%

14%

The MVT rate in Connecticut dropped 14% in 2021 from 2020. We need to recognize that 2020 was an aberration, most likely a result of the pandemic.

** NOTE that youth are a smaller percentage of MVT. In 2020, only 36% of MVT were committed by youth.





Successes of the Juvenile Justice Policy and Oversight Committee

Today, Connecticut is widely considered a model for how a state can improve its juvenile justice system while improving public safety and overall youth outcomes. Increasingly, youth charged with minor offenses are diverted from court involvement, and may instead receive behavioral health supports and other programming proven effective. For youth involved in the court system, the state has passed laws ensuring evidence-based practices, greater access to education and behavioral health care, and improvements in legal processing. The state also now regulates many issues stemming from school discipline policies that may otherwise push youth into unnecessary court involvement. As an early adopter of many reform policies based on a better understanding of crime deterrence and youth developmental psychology, Connecticut has earned recognition for its leadership, continued reforms, and innovations that will allow the state to uphold this reputation.

This work has largely been the work of The Juvenile Justice Policy and Oversight Committee, which has been highly effective in moving reforms forward in the form of legislation and policy changes. The JJPOC consists of 40 legislatively identified, bipartisan members including state legislators, prosecutors, public defenders, state agencies, judges, police, state advocates, victim advocates, community-based organizations, adults and youth with first and second justice experience. The Tow Youth Justice Institute (TYJI) at the University of New Haven is the entity staffing the work of the JJPOC.

The JJPOC assesses the juvenile justice system and implements its three-year strategic plans through its workgroup and sub workgroups. Click [HERE](#) to view all documents on the Connecticut General Assembly website. In addition, the following is a recap of key legislation in Connecticut since its inception in 2014

P.A. 17-2 removed truancy and defiance of school rules and regulations as grounds for a delinquency offense

P.A. 18-31 closed CJTS; transferred legal authority and responsibility over all adjudicated youth 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. In addition, a detention screening tool was developed.

P.A. 19-110 specifically included certain MV offenses and prior history as a basis for finding that a child poses a risk to public safety. It created a program designed to deal specifically with motor vehicle theft by young people. The Act allows the court to suspend delinquency proceedings for up to 6 months to allow the child to participate in services aimed at addressing their needs and risks - factors that often contribute to the child committing the offense in the first place. If the child satisfactorily completes the services and complies with probation/court orders, the charge(s) can be dismissed.

P.A. 21-174 The Commissioner of Children and Families to establish an education unit within the Department of Children and Families, for the education of any child who resides in any juvenile justice facility and any incarcerated child. Raised the minimum age a child can be processed in the juvenile justice system from seven-year of age to ten years of age.

Connecticut has been seen as a leader in implementing juvenile reform that is evidence-based. Now is not the time to reverse legislation that has led to significant improvements in public safety. Being reactionary to the ripple effect from the pandemic will only reverse the progress that has taken place since 2002 when Connecticut had the highest rate of youth incarceration in New England and was spending \$139 million to lock up youth for misdemeanor offenses. Rather than damage a system that has led to public safety, we should assess the gaps in services and programs for the most complex system-involved children, recognizing the role trauma, abuse, and neglect, play in youth misbehavior and evaluate services and outcomes for children transferred to the adult court.



The PROTECT Act 2022

An Act Promoting Responsible Oversight, Treatment,
and Effective Correctional Transparency



www.stopsolitaryct.org

www.stopsolitaryct.org

Ensures Oversight & Accountability

Creates a Commission for Correctional Oversight to evaluate the operations of prisons, jails, and halfway houses throughout Connecticut. The Commission will consist of twelve members, including formerly incarcerated people, family members, experts in medicine, mental health and corrections, and representatives from the executive and legislative branches. The Commission will have the authority and responsibility to conduct unscheduled and unrestricted site visits; inspect DOC records; and establish a confidential system to receive feedback from incarcerated people, family members, and DOC personnel, all of whom will be protected from retaliation for cooperating with the Commission. The Commission will publish its findings and hold quarterly meetings to promote a safe, effective, and humane correction system in Connecticut.

Stops Extreme Isolation and Promotes Effective Alternatives

Addresses severe, enduring harms of isolation in Connecticut prisons. Brings Connecticut in compliance with the internationally accepted Nelson Mandela Rules that isolated confinement be used only as a last resort, for the shortest possible term, and never for more than fifteen consecutive days (or twenty days total within any sixty-day period). Provides that all incarcerated people must have at least 7 hours out of cell per day unless isolated confinement is strictly necessary to protect staff and incarcerated people. Ensures minimum wellness standards in isolated confinement, including four hours out of cell and access to programming. Creates alternative rehabilitative measures, including Residential Rehabilitation Units for people with mental illness or other longer-term treatment needs. Ends the misuse of lockdowns, which have become a routine means to evade the governor's executive order, confining incarcerated people to their cells and denying their basic human needs for days or weeks on end. Bans training days as an excuse for lockdowns.

Ends Abusive Restraints and Dehumanizing Strip Searches

Bars chaining and shackling people within locked cells ("in-cell restraints"), a practice used to punish and denigrate incarcerated people, often for symptoms of mental illness. Limits use of restraints to (1) when transporting incarcerated people between units/facilities, (2) as a short-term, emergency response to a substantiated threat of imminent physical harm, or (3) when soft restraints are necessary for emergency medical use under the supervision of health care professionals. Also sets forth strict limits on the use of invasive strip searches, which are commonly used to humiliate and degrade incarcerated people.

Protects Social Bonds

Reaffirms the fundamental importance of maintaining positive social ties to an individual's rehabilitation. Provides at least two social letters per week and restores access to contact visits to loved ones for all incarcerated people except in rare circumstances.

Promotes Correctional Officer Wellness

Requires that the DOC implement training and other strategies to support staff in mitigating trauma and its effects, such as burnout, substance abuse, aggression, and suicide.

Promotes Transparency

Requires public reporting on key indicators within the Connecticut correction system, including prevalence of mental illness, use of force incidents, and availability of education and other programs.

Children Need Community Care, Not Cuffs

In 2021, Connecticut raised the minimum age a child can be arrested from 7 to 10 years old. Connecticut has a community-based system to get kids and families the help they need.



Normally developing kids engage in risk-seeking behavior. Often, these behaviors are minor. Sometimes they are major.

If you are a parent, police officer, court official, social worker, pediatrician, school staff, or another caring adult, call your Youth Service Bureau (YSB) for help.

Community-based YSBs serve as a connecting hub to ensure families access needed services and kids are held accountable for their behaviors through restorative justice practices.

If a child is in a state of crisis, call 2-1-1 for Emergency Mobile Psychiatric Services (EMPS) help. YSBs coordinate with EMPS.



https://www.ctyouthservices.org/Find_A_YSB/



- After getting a referral, YSBs will:
- Screen the child for trauma
 - Engage in a comprehensive intake process
 - Refer the child/family for appropriate intervention(s)
 - Coordinate care among providers

YSBs also train community partners and collect and evaluate data to ensure intervention effectiveness.

Community-Based Interventions:

- Mental and Behavioral Health Services
- Educational Advocacy

Other Interventions:

- Positive Youth Development
- Family Strengthening and Support
- Basic Family Needs Support

Specialty Programming:

- Problem Sexual Behavior
- Arson/Fire Setting Intervention
- Intensive Family Support



For more information:

FACT SHEET: YOUTH IN PRISON LIKE ENVIRONMENTS

YOUTH UNDER 25 SHOULD NOT BE IN PRISON-LIKE ENVIRONMENTS

If it looks like a cage, it feels like a cage, and if the true goal of the youth legal system is to rehabilitate kids while holding them accountable, we must stop locking up young people in prison-like environments.

Rehabilitation cannot effectively happen in punitive environments. During the ongoing COVID-19 pandemic, the physical design of such environments has made social distancing within prison-like facilities and prisons nearly impossible without subjecting youth to conditions that amount to solitary confinement.

This means removing youth under 18 from REGIONS secure units inside the juvenile detention centers and ending the practices that allow youth to be transferred to adult facilities starting at the age of 15. Those who need out-of-home treatment should be in small, therapeutic facilities that are developmentally appropriate.

YOUTH UNDER 25 SHOULD NOT BE IN ADULT FACILITIES

Currently, youth aged 15-17 whose cases are transferred to adult court are placed in adult facilities pre- and post-trial: Manson Youth Institution (MYI) and York Correctional Institution (York). These facilities, services, and staff are not created for or trained to be effective for youth and therefore are not appropriate for youth under 25.

CTJA recognizes youth as people under the age of 25 and feels strongly that adult prison is not the appropriate placement for this group of people.

In 2007, the Centers for Disease Control and Prevention published the findings that found “transfer to the adult criminal justice system typically increases rather than decreases rates of violence among transferred youth.” Without access to rehabilitative services and after exposure to de-facto solitary confinement, youth held in adult facilities re-enter their communities with significant barriers to emotional, educational, or vocational success.

In December of 2021, the Department of Justice released a [report](#) that found that children’s civil rights were being violated within the Department of Corrections, specifically at Manson Youth Institution. The Department of Justice found that MYI’s isolation practices and inadequate mental health services seriously harm children and place them at substantial risk of serious harm. In addition, MYI fails to provide adequate special education services to children with disabilities.

BLACK YOUTH ARE MORE LIKELY TO BE TRANSFERRED TO ADULT COURT

A 2017 report on Connecticut data found that in cases that involved discretionary transfer, Black youth were more likely to be transferred to adult court than their white peers. The study looked at other factors like age, previous record, charge, socioeconomic status, etc., but found that *race was the deciding factor*. **In Connecticut, Black youth are 10 times more likely to be held in placement as white youths. Our current system is not fair or equitable.**

REMOVE YOUTH FROM PRISON AND PRISON-LIKE ENVIRONMENTS

- The state must develop a timeline to phase out the use of REGIONS secure units inside the juvenile detention centers
- The state must stop housing any youth under 25 in adult prisons run by the Department of Corrections (DOC)
- Court Support Services Division (CSSD) and DOC should develop their capacity to provide local, intensive, individualized wrap-around supports to and families –this would create community based alternatives to incarceration or out-of-home placement

ADULT PRISON IS INEFFECTIVE

- It does not provide adequate programming or treatment for any of the people that are incarcerated within the Department of Correction, MYI is especially guilty of this. While the 2021 report focused on the negative impact and violation of civil rights of youth under 18 at MYI, those up to the age of 20 that are housed at MYI are also subjected to solitary confinement, chemical agent use, etc.
- Research has shown that sending a young person to adult prison increases their chance to return to prison later in life.
- A consequence should teach a new skill. Incarceration does not do this. Imprisoning someone removes them from their community for a period of time, but does not give them the tools needed to return to their community or the treatment needed to feel better while incarcerated.
- Locking up youth in adult prison does not address root issues. According to a [recent state audit](#), the overwhelming majority of transferred boys, and all of the transferred girls, in the adult system during 2019 lived in families previously investigated for child abuse or neglect, often multiple times. The audit found that most boys in the system completed few or no programs while incarcerated. Young people will most likely be unable to change behaviors until their root issues are addressed and taken care of.

FACT SHEET: YOUNG PEOPLE AND CONNECTICUT'S ADULT LEGAL SYSTEM

Youth justice policies should be based on data and research about youth development and delinquency to prevent reoffending and promote improved outcomes for youth, communities, and families.

- Adolescent brains develop through the age of 25. This period of development is associated with greater impulsiveness and stronger emotional responses than older adulthood.

Funding should be prioritized for juvenile justice programs, policies, and practices that are backed by research and evidence showing its effectiveness.

- Young people who receive community-based services as part of their involvement in the legal system are more likely to attend school, go to work, and reduce offending than those who are incarcerated and do not receive community-based services.

The age and scope of juvenile court's authority should consider research and evidence about youth development. The court should support youths' healthy transition to adulthood and reduce barriers to rehabilitation.

- The leading researchers in legal psychology have found that young people aged 15 and under should not be considered competent to stand trial within the adult justice system. When comparing young people with similar crimes and past encounters with the justice system, those who entered the adult system are 30% more likely to be re-arrested after returning to their community than young people who stayed in the juvenile system.

Justice policies should strive to keep youth in the community, employ evidence-based methods to promote positive youth development and build on the strengths of youth and their families.

- Connecticut has not developed a true community-based program of care for youth with high levels of need.

Conditions and residential facilities and other programs should be humane, supportive of rehabilitation, developmentally appropriate, close to home, and trauma-informed.

- [In December of 2021](#), the United States Department of Justice: Civil Rights Division, found that the facility where young people are housed who are charged as adults, Manson Youth Institute (MYI) violates young peoples' Constitutional rights and the Individual with Disabilities Education Act (IDEA) rights. MYI continues to use solitary confinement as punishment, solitary confinement is torture.

System-involved youth, families, crime victims, and survivors impacted by the legal system should play a key role in informing the development of legal policy and finding solutions to hold youth accountable in age-appropriate ways.

- 70% of surveyed crime victims preferred criminal legal systems that held people accountable through different options beyond just prison.

Government systems should be held accountable to monitor youth outcomes, encourage system improvements, and invest in effective justice system practices.

- The Juvenile Justice Policy and Oversight Committee (JJPOC) was created to oversee the government systems in place. Increasing youth entering the adult system goes counter to the recommendations of the JJPOC.

FACT SHEET: REMOVE POLICE FROM SCHOOLS

SROs, SCHOOL SAFETY AND RACIAL JUSTICE

School Resource Officers (SROs) are sworn officers assigned to protect schools. There is no specific mandatory training or accreditation required before an SRO is placed in a school setting.

SROs in schools are intended to maintain a safe and secure learning environment, but [studies have shown](#) that SROs do not measurably increase safety. Further, the presence of an SRO in a school increases the likelihood that youth, specifically Black and Latino/a/x youth will be referred to law enforcement and/or arrested. Schools with SROs also referred students with disabilities to law enforcement at a rate higher than the overall state average. Experiencing arrest, or watching a classmate experience arrest, can be traumatizing for students.

Police presence in schools to address "safety" must be viewed through a racial justice lens due to the disproportionate, negative impact of SROs on students of color. According to a recent report, "On average, we found that schools with SROs had significantly higher average numbers of school policy violations and fighting/battery. On average, schools employing SROs may be more likely to have different -possibly more punitive- climates than schools that do not employ SROs."



[SOURCE: Connecticut Voices for Children - Counselors Not Cops](#)

INVESTING IN SUCCESS NOT ARREST

Instead of paying for a police presence in schools, districts should increase investment in people trained and programs focused on providing health and mental health services, behavioral support, and student achievement. The cost-savings in removing SROs from schools can be used to fund:

- Wrap-around services, such as job readiness programs, mentorships, tutoring, and programs open past 8 pm on weekends
- Social workers and guidance counselors
- Nurses and health services
- Mental health service professionals and services
- Mediation specialists, restorative justice trainers, and school climate specialists

Money being used to fund SROs can be better spent towards creating supportive learning environments where students have access to services and programs that promote success and provide opportunity. Currently, some districts in Connecticut invest more money in school resources officers than they do in nurses. By default, SROs do not receive training in mental health services and therefore are not the appropriate persons to respond to behavioral issues.

Please Support **NO Police in Schools**

FACT SHEET: RAISE THE AGE OF ARREST TO 14

KIDS UNDER 14 DON'T BELONG IN POLICE STATIONS OR COURTS

Connecticut children as young as 10 can be and are arrested and sent to court. In 2020, Over 4% of all minors arrested in Connecticut were children under 13 years old. The vast majority of very young children are arrested for misdemeanors and the majority of cases involving very young children are dismissed, discharged, or not prosecuted. This wastes time and resources, while also creating unnecessary trauma of police and court involvement for a young child.

THIS IS NOT COMMON PRACTICE

The United States is an international outlier in the fact that it subjects very young children to police and courts. In fact, in 2019 the United Nations has determined that the minimum age for criminal responsibility should be at least 14, noting that 12 is “too low an age”. Connecticut’s data shows that 57% of the children under 12 arrested in 2019 were children of color, mostly from urban areas.

There is a current movement in the U.S. to raise the minimum age. California and Massachusetts recently passed legislation to make their minimum age of arrest 12, and CT should lead by example and surpass 12 to 14.

INVOLVING YOUNG CHILDREN IN THE JUSTICE SYSTEM CAUSES HARM

Research shows that involvement with the courts can negatively impact young children, making them more, rather than less likely to become court involved in the future.

Very young children are immature in their decision-making. Their level of brain development means that they don't fully understand their actions or the legal or court process. This means they are not “competent” to stand trial.

Research has also shown that children 12 and under are more likely than adults to act impulsively, engage in risk-seeking behavior, and less likely to plan for the future.

RAISE THE MINIMUM AGE OF ARREST FROM 10 TO 14

1. While we support the Juvenile Justice Policy Oversight Committee recommendation to raise the minimum age of arrest from 10 to 12, we urge Connecticut to raise the age to 14.
2. We further support calls to ensure funding and cooperative relationships are in place to make sure children can get services from the appropriate educational, mental health, or family support systems when necessary. These services need to be accessible, trauma-informed and age appropriate.

FACT SHEET: CHEMICAL AGENT USE

The following is a summary on the use of chemical agents on youth in confinement. This information can be found in the Office of the Child Advocate report on conditions of confinement at Manson Youth Institution and York Correctional Institution. [Read the full report here.](#)

CHEMICAL AGENT USE ON YOUTH IN CONFINEMENT

Pepper spray, otherwise known as aerosolized oleoresin capsicum or “OC spray” is used by corrections as part of a continuum of population management/facility security strategies DOC administrators reported to OCA **that use of chemical agent on youth who are fighting is considered an unplanned use of force.**

The U.S. Department of Justice (DOJ) has noted there are constitutional boundaries to its use including several bursts or extended amounts of spray may be unlawful as inhalation of high doses of some of the chemicals found in OC spray can produce adverse cardiac, respiratory, and neurologic effects, including arrhythmias and sudden death.

With acute exposure, there is a rapid onset of symptoms including nausea, fear and disorientation. **The majority of states prohibit the use of chemical agents in juvenile facilities.**

DOJ has found constitutional violations when facilities have not taken steps to ensure that youth or adults with vulnerable health conditions, such as asthma, are not subjected to pepper spray.

Until 2019, Connecticut law did not address the use of chemical agents on minors -- leading the way to Conn. Gen. Statute 46b-133k being enacted, requiring that as of August 1, 2020, and “monthly thereafter,” the DOC must report to the Juvenile Justice Policy and Oversight Committee (JJPOC) **“each instance, if any, of use of chemical agents or prone restraints on any person ages seventeen years of age or younger.”**

DOC is also required to develop “a policy of best practices in correctional facilities where persons ages 17 years and under are detained,” addressing, in part, the “harmful 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.”

THE NATIONAL INSTITUTE OF CORRECTIONS’ DESKTOP GUIDE TO WORKING WITH YOUTH IN CONFINEMENT PROVIDES:

- 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.
- The use of chemical restraints, like mechanical restraints, can traumatize youth and undermine their rehabilitative efforts.

OCA UPDATED FINDINGS ON CHEMICAL AGENT USE: BOYS UNDER 18 AT MYI

- Between February 11, 2019, and November 6, 2019, there were 18 boys subjected to chemical agents during 11 incidents (a decrease of 1 incident from 2018).
- Twelve boys subjected to chemical agents were Black, five (5) were Hispanic and one (1) youth was White.
- All incidents leading to the use of chemical agents involved youth fighting each other.
- **Several boys subjected to chemical agents were boys with psychiatric disabilities and/or asthma.**
- In 2020, there were 8 incidents of chemical agent use (a decrease of 3 incidents from 2019) involving 13 boys at MYI.

The DOC reiterated that it is working to reduce reliance on chemical agents and cited an uptick in chemical agent utilization in recent months. As noted above, the legislature now requires the DOC to report to JJPOC regarding each use of chemical agent or prone restraint with minor youth.

FACT SHEET: UNDERSTANDING YOUTH CAR THEFTS

UNDERSTANDING JUVENILE CAR THEFTS - A NATIONAL ISSUE*

Car thefts are a national issue. Since the beginning of the COVID-19 pandemic, cities and towns across the country have seen an uptick in car thefts and break-ins. Cities such as New York City saw a 53% increase in car thefts in April 2020 compared to April 2019, and Seattle reported a 24% increase during peak COVID-19 shutdowns. The National Insurance Crime Bureau reported a 56% increase nationally in vehicle thefts with keys or fobs in the vehicle. Unlike many areas of the country, Connecticut has generally seen a substantial decline in car thefts over the last decade, including a 20% decline in 2019 from the previous year. There was also a 77% reduction in car thefts in Connecticut from its peak year in 1991 to record lows in 2019.

Despite the increase in car thefts, the data confirms that the rate of motor vehicle thefts (MVTs) in Connecticut continues to remain lower than the MVT rate at the national level and **the increase in car thefts can be directly tied to the COVID-19 pandemic**. Additionally, the data confirms that this issue is not exclusive to the young people in our state. In both 2019 and 2020, the percentage of individuals arrested for MVT who were under 18 was ~36%. The majority of thefts in both years were committed by individuals over the age of 18.

WHEN DOES A CAR THEFT LEAD TO DETENTION?

In most cases, a young person is released to their parent's custody at the time of arrest with a summons to appear in court. As part of the court process, in most cases, the youth is assessed by probation and, if appropriate, placed on supervision if adjudicated for the offense and required to attend programs and services. In some cases, the young person is sent to juvenile detention on or after the first court hearing or transferred to the adult system. Current law also allows the court to incarcerate youth in a juvenile detention center at the time of arrest (or later) if the child poses a risk to public safety or there's a need to hold the child for failure to respond to court process.

INCARCERATING YOUTH IN THE ADULT SYSTEM

If the charges against a child are particularly serious, a hearing can be held to transfer that case to the adult court. For children aged 15 to 17, the juvenile court is required to transfer very serious offenses to the adult docket, and has discretion to transfer less serious offenses. It is important to note that the majority of transferred youth in Connecticut are Black. A persistent concern in this state, the CT Department of Corrections prison housing youth charged as adults, Manson Youth Institution, is currently under federal investigation for civil rights violations.

INCARCERATING YOUTH IN THE ADULT SYSTEM

We have seen time and again that detaining and incarcerating young people is ineffective at reducing youth crime. **While community concerns about crime are very important and should drive collective urgency regarding effective solutions, data does not support the claim that historical changes to our juvenile justice laws are causing an increase in auto thefts or car break-ins, particularly as most juvenile crime has steadily decreased in Connecticut, and car thefts are a national phenomenon**. Public dollars should invest in programs (existing and new) that have proven to be effective in Connecticut and other jurisdictions.

*Data from the Institute for Municipal and Regional Policy (IMRP) at Central Connecticut State University (CCSU)

INCARCERATING YOUTH IS NOT AN EFFECTIVE SOLUTION TO CAR THEFTS

- **Locking up youth is typically costly and ineffective.** Data shows that youth who are detained or incarcerated may be more likely to reoffend than their peers who aren't, meaning that using detention and incarceration can have the opposite effect that people are hoping for. According to the Judicial Branch of CT, Court Support Services Division, detention costs about \$800 per child per day. [In 2018, the average length of a stay in detention was 14 days](#) - that's \$11,200 spent each time we put a child in juvenile detention. [In 2021 the average length of a stay in detention was 23 days](#) - if the amount per day is the same, that's almost \$20,000 spent each time we put a child in juvenile detention.
- **Youth who receive long-term developmental services have lower rates of recidivism.** Those youth who enter the youth justice system for low level offenses often recidivate with higher offenses.
- **Locking up youth in adult prison does not address root issues.** According to a [recent state audit](#), the overwhelming majority of transferred boys, and all of the transferred girls, in the adult system during 2019 lived in families previously investigated for child abuse or neglect, often multiple times. The audit found that most boys in the system completed few or no programs while incarcerated. Young people will most likely be unable to change behaviors until their root issues are addressed and taken care of.
- **Our current system disproportionately harms Black and Brown youth.** Connecticut incarcerates youth of color at significantly higher rates than it does white youth.*

*Note: An additional fact sheet is forthcoming with statistics on race and ethnicity as it corresponds to detention and incarceration in Connecticut

EFFECTIVE RESPONSES TO REDUCE CAR THEFTS

Stakeholders agree that children engaged in repeat car thefts are a very small number of youth. There are opportunities to enhance our current response of services and accountability to address their needs and hold youth accountable.

- **Strengthen investment in CT's car theft diversion program.** In 2019, the Connecticut Legislature passed PA 19-110, which created a program designed to deal specifically with motor vehicle theft by young people. The Act allows the court to suspend delinquency proceedings for up to 6 months to allow the child to participate in services aimed at addressing their needs and risks - factors that often contribute to the child committing the offense in the first place. If the child satisfactorily completes the services and complies with probation/court orders, the charge(s) can be dismissed. Per CSSD data, as of mid-December, 2020, approximately 60 kids had participated in the program and of those completing the program, more than 75% have had no subsequent arrest.
- **Invest dollars in programs that have proven track records with high need youth.** While Connecticut's juvenile justice system includes a variety of programs, it has struggled to create individualized service/supervision plans for higher need youth. We have not yet invested in or implemented programs that have proven effective with high risk youth in other states. Examples include Individualized Wrap/Supervision Programs, [Cure Violence](#), [Credible Messengers](#), (and [Credible Messengers Justice Center](#)) [Youth Advocate Programs](#), among others. We can reverse this trend now.
- **Invest in the youth of Connecticut.** No one reform will be able to fully address the many inequities present in our current system, but our state must move with urgency to invest in the futures of minority youth and historically underserved communities by beginning to address those injustices. Our systems must shift in how we prioritize the well-being of our young people, how we address normal adolescent misbehavior, and how we tackle the root causes of youth criminalization. Through our #InvestInMeCT campaign we seek to reduce the number of system-involved youth by addressing the root causes of youth criminalization.

YOUTH JUSTICE REFORMS

The same juvenile justice reforms that people say are contributing to the increase in MVTs in 2020 were in place in 2019, when we had the lowest MVT rate since we started recording this data.

[There is no evidence that CT's "raise the age" law caused an increase in motor vehicle theft.](#) Raise the age (that young people can be charged as adults) went into effect in 2010 for 16 year olds and 2012 for 17 year olds. Property crimes were down in the 10-year period which included years prior to reforms and after reforms. On average, Connecticut's motor vehicle theft rate decreased after reforms.

When we talk about youth crime, how many kids are we talking about?

- According to the Department of Emergency Services and Public Protection (DESPP) in 2020 there were 69,064 arrests in Connecticut. Of those, 3,833 (5.5% of all arrests) were under the age of 18 and 65,231 (94.5% of all arrests) were over the age of 18. Please note that if the same person was arrested more than once, they would show up in the system multiple times.

When we talk about car theft, how many kids are we talking about?

- According to DESPP, there were approximately 8,400 motor vehicle thefts in 2020. Of those, police made an arrest in 671 cases (7.9% clearance rate). Of those arrested, there were 247 under the age of 18 (37% of all arrests) and 424 were over the age of 18 (63% of all arrests).
- In 2019, when we had the fewest number of car thefts ever recorded in Connecticut, police made an arrest in 656 cases. Of those arrested, there were 239 under the age of 18 (36% of all arrests) and 417 over the age of 18 (64% of all arrests). In other words, young people made up the same share of those arrested for motor vehicle theft in 2019 and 2020.

SUBURBAN & URBAN CONNECTICUT

- Urban areas are no longer the epicenter of the auto theft problem. Instead, this issue is shifting to more suburban areas where the opportunity to commit these offenses is greater. Opportunity has increased in suburban areas over the last 10 years due to a greater saturation of keyless fob vehicle technology and owners leaving cars unlocked with the keys inside. Nationally, there has been a 93% increase in motor vehicle theft since 2013 with keys left inside.

Important Updates to Connecticut's Juvenile Justice Reforms

The minimum age of court jurisdiction was raised from 7 years old to 10 years old.



The earlier a youth is involved in the criminal legal system, the more likely they will further their court involvement. Avoiding court involvement and providing effective responses and interventions greatly increases the chances of a child remaining at home, in their communities, and in their schools.

What should schools, law enforcement, and parents/caregivers do to support this raise in age?



Schools should develop a response protocol for youth behavior of the under age 10 population.

- Create a plan to identify and intervene with behaviors before they become a crisis
- When necessary, utilize 211/Mobile Crisis when behaviors become a safety concern
- Keep youth safe while awaiting Mobile Crisis arrival
- Make an appropriate referral to the Youth Service Bureau (YSB) in a non-crisis situation

Law enforcement and parents/caregivers should be educated on the use of 211/Mobile Crisis and the referral process to the Youth Service Bureau (YSB) described below.

- Law enforcement should establish a connection to their local YSB and JRB, described below, to craft referral processes tailored to the local resources
- Parents can contact their local YSB directly to seek services

Diversion Options

Youth Service Bureau (YSB):

Coordinates prevention and diversion programs for "delinquent and pre-delinquent youth, pregnant and parenting youth, and troubled youth up to 18 years old." There are 105 YSBs serving 133 towns in CT. PA 16-147 identified YSBs as diversion hubs.

Find your YSB [here!](#)

Restorative Justice



Juvenile Review Board (JRB):

Community-based diversion process, operating under a restorative justice philosophy, for youth 8-18 years old, exhibiting minor criminal or status offense behaviors. There are 90 JRBs, serving 140 towns in CT. For youth of any age committing low level offenses, it is recommended that law enforcement make a referral to the JRB in lieu of arrest. Contact your local YSB for more information.



For further information regarding diversion, visit: www.ctyouthservices.org

To locate behavioral health services in your area, visit www.connectingtocarect.org
CONNECTING Children and Families to Care