

2023 Recommendations of the Juvenile Justice Policy and Oversight Committee



Background

Changes to the Juvenile Justice system are initiated through the Juvenile Justice Policy and Oversight Committee (JJPOC). The work is done through a collaborative process which consist of content experts, individuals working in the juvenile justice field with and working within the communities. The workgroups identify the areas of focus, learn from those working with the population, review national best practices, collect and review CT data, and make recommendations with the focus on improving outcomes for our CT children while maintaining public safety. In addition, if JJPOC recommendations become legislation the JJPOC moves into ensuring oversight of the implementation of that specific policy change and evaluating the outcomes. Over the years, these reforms have led to significant improvements in policies and practices in the juvenile justice system.

The Recommendations for 2023 Legislation include some of the recommendations made in 2022 which were not passed into legislation. The recommendation language for those from 2022 has been updated. The workgroup and sub workgroups spent the year doing additional due diligence and research to fine tune the language and develop what they believe will be stronger, more feasible actions. The JJPOC began voting on the 2023 Recommendations at the January meeting and conclude at the February monthly meeting and determine if they will be moved forward into a legislative package. The full JJPOC Recommendation Package can be found [HERE](#).

Diversion Workgroup

The Diversion Workgroup had two main focus areas in 2022 – 2023 to develop legislation – raising the minimum age of juvenile jurisdiction and alternatives to arrest.

Raise the Age

Background

The Diversion Workgroup of the Juvenile Justice Policy and Oversight Committee (JJPOC) has continued to review data and best practices to raise the minimum age of juvenile court jurisdiction. In 2021 Connecticut passed legislation which set the minimum age of juvenile court jurisdiction from seven to ten. **PA 21-174** sec. 1 diverts a child from involvement with the juvenile justice system and appropriately engages the child and family to services and interventions provided within the child's community.

2023 Recommendation

Amend legislation for raising the minimum age of juvenile court jurisdiction from ten years to twelve years, effective July 1, 2023.

- Children diverted from the court jurisdiction shall be serviced through, including but not limited to, the Children's Behav-

ioral Health Services System, community-based diversion system/youth service bureaus, and or juvenile review boards, and other existing community resources.

- July 1, 2024, JJPOC Diversion workgroup shall submit to the full JJPOC a report on implementation status of the alternative handling strategies

These recommendations were based on a review of Connecticut statistics for referrals, misdemeanors, case handling and risk for youth under the age of 12. In addition, a national review revealed that of the 26 states that have established a MACR (minimum age of criminal responsibility), MACR ages range from 7-13 years of age. Five (5) states set a minimum age of 12 and 2 additional states set a minimum age of 13. While an increasing number of states are adopting a MACR or raising their MACR, 24 states have yet to establish a MACR, allowing for young children to receive adult treatment in response to their behavior.

Alternatives to Arrest

Background

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. There are numerous points throughout the pre-booking process where law enforcement, diversion agencies, and other organizations may unintentionally contribute to racial inequity. 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.

Public Act 21-174 Sec. 12 designated that an implementation team develop plans for mandatory prearrest diversion of low-risk children. The tasks of the implementation team are outlined below.

- By January 1, 2022: The implementation team shall develop a plan for automatic prearrest diversion of children to youth service bureaus or other services in lieu of arrest for Tier 1 offenses that include infractions
- By January 1, 2023: The implementation team shall develop a plan for automatic prearrest diversion of children to youth service bureaus or other services in lieu of arrest for Tier 2 offenses that include offenses

On February 13, 2022, the Alternatives to Arrest Workgroup released its **Implementation Plan** with recommendations. Although they did not advance during the 2022 legislative session, the group moved forward in 2022 with the outlined legislative mandate to develop the plans listed above. Following the submission of the implementation team's first plan, the group met monthly in 2022 to refine the plan for automatic pre-arrest diversion of children to Youth Service Bureaus/Juvenile Review Board or other services in lieu of arrest for Tier 2 offenses. The groups work over the course of 2022 consisted of reviewing updated data of Tier 1 and Tier 2 offenses from Judicial Branch Court Support Services Division, reviewing updated data from JRB's and YSB's, examining related pilot programs in Juvenile Probation and the JRBs, reviewing best practices in diversion, and drafting a uniform pre-arrest diversion referral form.

2023 Recommendation

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)/Juvenile Review Board or other local agency in lieu of an arrest.

Beginning July 1, 2023

- a. simple trespass under section 53a-110a of the general statutes
- b. creating a public disturbance under section 53a-181a of the general statutes
- c. disorderly conduct under section 53a-182 of the general statutes
- d. larceny in the fifth degree under section 53a-125a or 53a-125b of the general statutes
- e. larceny in the sixth degree under section 53a-125a or 53a-125b of the general statutes
- f. breach of peace in the second degree under section 53a-181 of the general statutes

The **February 2022 Alternatives to Arrest Implementation Plan** 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

Incarceration Workgroup

The Incarceration Workgroup focused on a plan to improve commissary for youth in confinement and developing a plan for successful reentry.

Commissary

Background

Public Act 21-174 established a committee to study commissary needs and telephone services of incarcerated individuals aged 18-21. Due to the passing of **PA 21-54**, all incarcerated individuals were granted access to free phone calls. Therefore, the Commissary Subgroup of the Incarceration Workgroup focused its efforts on studying and making recommendations on the commissary needs of the 15 – 17 year old population.

The subgroup heard presentations by the Department of Correction regarding their current commissary offerings, services, and costs, the Judicial Branch Court Support Services Division on their current commissary services in the juvenile detention facilities and the Department of Children and Families on their commissary support of dual status youth, as well as previous commissary services at the Connecticut Juvenile Training School. The group also received a profile of other states and their commissary policies. In addition, a survey was given to young individuals at DOC facilities, including the Manson Youth Institute and the York Correctional Institute on a variety of questions concerning their attitudes towards and how they interact with the commissary system.

The **Commissary Needs and Recommendations Report** was delivered to the Juvenile Justice Policy and Oversight Committee on February 14th, 2022. The report highlighted the unique, varying needs of the population based on hygienic, dietary, cultural, racial/ethnic, religious, gender, and overall lifestyle needs. The report concluded that society's favorability of a punitive justice system is shifting towards acceptance of a restorative model that emphasizes human dignity and an individual's capability to be successfully rehabilitated. All aspects of the incarceration process must reflect this ideal, including policies and procedures concerning a correctional facility's commissary operation and offerings. Given their conclusions and a number of remaining questions unanswered, the subgroup decided they needed more time to review additional information and they did not move forward with the recommendations.

During 2022, The Commissary Subgroup met monthly from March 2022 to review national models, research best practices, explore options being utilized in other areas in Connecticut. The DOC worked on conducting a fiscal analysis on costs associated with proposed changes. Academic literature indicates that expanded commissary have positively impacted inmate populations and reduced critical incidents. In addition to national trends, CSSD began implementing a PBIS model at the detention center in Bridgeport over 6 years ago.

2023 Recommendations

1. The Department of Correction shall develop in consultation with the JJPOC Incarceration Subcommittee a commissary implementation plan and shall submit the plan to the Juvenile Justice Policy and Oversight Committee, no later than July 1, 2023.

The Plan, which shall be implemented by DOC for youth 17 and under no later than October 1st, 2023, and funded by the legislature and Governor, shall include:

- a. An integrated positive behavior motivation system to engage and reinforce positive youth behaviors and expectations that can be used as payment for commissary goods in place of a monetary system.
- b. Revision of commissary policies and procedures to include the development and implementation of positive behavior motivation policies and procedures.
- c. Increases in incentives in a way that promotes good health and recognizes the diverse range of ethnic groups, races, sexes, and cultural backgrounds.
- d. Identification of those youth within the institution that do not currently have equitable access to commissary, including indigent youth, youth without family supports and youth with disabilities for whom their disabilities are contributing to their lack of commissary, and implementing strategies for equitable access to commissary.
- e. Incorporation of practices as noted in **P.A. 22-188** sec. 82-83 addressing access to menstrual products.
- f. Consideration for the transition of saved commissary allocations and how those funds can be transitioned and accessed when a youth is transferred to an adult unit facility.
- g. Consideration for on-going training and technical assistance (i.e., CREC PBIS)
- h. Continuous Quality Improvement system for on-going monitoring of the implementation of the plan.
- i. Twice yearly surveys or focus groups to obtain feedback from the youth within its facilities on the ways to improve its system.

DOC, in the interim while awaiting implementation of the new Plan, shall, as noted in 1(d) above, address strategies for equitable commissary options for youth with vulnerabilities.

2. Effective Oct 1st, 2023, correctional facilities where children 17 and under are housed, shall include a Positive Behavioral Motivational framework which is a comprehensive universal facility approach to promote a positive environment.
3. No later than January 1, 2024, an implementation plan for the Positive Behavioral Motivational framework to be used within correctional facilities where individuals 18-year-old to 24 years-old are housed, will be completed and shall include an implementation date.

Reentry

Background

Supporting reentry for youth is of utmost importance when considering young people's outlook and contribution to society upon returning to their communities from safe and secure placement facilities. Programs supported by the Second Chance Act in accordance with OJJDP guidelines provide that effective reentry is established long before release from a facility. In fact, the planning process for reentry begins the day that an individual is formally placed in a facility. Successful reentry programs have staged reentry into phases, a planning and release phase, and monitoring and follow-up, each of which provide different challenges. Reentry programs that provide support and services in this staged approach have demonstrated lower rates of recidivism and greater positive outcomes.

2023 Recommendation

The Judicial Branch, the Department of Correction, and the Department of Children and Families shall, in consultation with the JJPOC's Incarceration Workgroup, the Community Expertise Workgroup, and the Education Workgroup develop a Reentry Success Plan for youth released from DOC and Judicial Branch facilities and contracted programs for the purpose of reintegrating these youth back into their communities successfully.

Such plan shall be developed no later than October 1, 2023.

In development of the Reentry Success Plan, the above-mentioned entities shall examine

- a. reentry models and best practices around the country, including reentry hubs and community-based enhanced reentry wraparound services (New Jersey), and transitional housing (Long Creek in Maine).
- b. expansion of community Reentry Roundtables and Welcome Centers to include focus on youth
- c. any other considerations deemed necessary for successful implementation of the plan.

Such plan shall incorporate restorative and transformative justice principles, and shall include but not be limited to,

- a. the provision of individualized academic support, and the role of school districts in ensuring the provision of academic, vocational and transition support services,
- b. connection of youth to vocational and workforce opportunities,
- c. connection to developmentally appropriate housing,
- d. delivery of trauma-informed mental health and substance use treatments,
- e. development of restorative justice re-entry circles,
- f. utilization of credible messengers as mentors and/or transition support providers.
- g. role of reentry coordinators

The plan shall include a proposed quality assurance framework, including the collection of appropriate data, promulgation of a public dashboard, and the monitoring framework to ensure the successful discharge and re-entry of incarcerated youth.

The plan shall include information regarding federal and state funding sources to support a comprehensive reentry model and identify priorities and appropriate timelines for implementation. Such Plan shall be presented to the JJPOC for its consideration no later than January 1, 2024.

While the Judicial Branch, the Department of Correction and the Department of Children and Families have existing policies and practices in place for reentry planning, it is imperative that a fully developed, coordinated approach be taken to plan for successful reentry of youth that provide them the best chance for positive outcomes when reentering the community. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides a vast amount of guidance in this area. In addition, several successful programs have demonstrated that effective reentry planning and strategies can reduce recidivism and increase public safety.

Suspension and Expulsion Workgroup

Background

PA 21-174 Sec. 8 designated a committee “for the purpose of studying the effects of and possible alternatives to suspensions and expulsions of students in any grade”. The legislation required two separate reports be submitted to the JJPOC. The initial **Suspension and Expulsion Committee Report and Recommendations** was submitted in February 2022 regarding “effects of and alternatives to suspension and expulsion of students in preschool through second grade.” While the approved JJPOC recommendations did not advance in the 2022 legislative session, the suspension and expulsion committee moved forward in 2022 with the next mandated report in the PA 21-174. Their report due January 1, 2023, addresses “effects of and alternatives to suspension and expulsion of students in grades (A) three to eight, inclusive; and (B) nine to twelve, inclusive.”

Following the submission of the suspension and expulsion committee’s February, 2022 report and recommendations, the committee established a workplan consisting of monthly meetings. In addition to the monthly meetings, November 3rd an all-day in person session to refine and narrow the set of recommendations was held. Bellwether, a national nonprofit, was contracted to produce a report for the suspension and expulsion committee. The Bellwether report posits that exclusionary discipline is associated with youth disengagement, academic turmoil, and an increased risk of entrance into the juvenile justice system. The report further elaborates that exclusionary discipline extends beyond the young person(s) who is/are subject to exclusionary discipline, and that students who are witness to this type of discipline are also adversely affected. Lastly, successful implementation of policy and legislation is integral, and that successful implementation is a process that takes time.

2023 Recommendations

1. Effective July 1, 2024, the State Department of Education shall require:
 - a. Districts identified in two subsequent reporting school years as having high suspension and expulsion rates and/or high disproportionality, for all grades, including Pre-K, will submit a response and improvement plan to CSDE and the committee of cognizance.
 - b. A phased in plan with the aim to reduce and cap classroom student-to-teacher ratio beginning July 1, 2024, through July 1, 2028; the recommendation shall be considered a ceiling, not a floor. 20 students in Pre-k-K to 2nd grades. 23 students for grades 4-8th. 25 students for high school classes The Commissioner of Education may exempt certain types of classes (physical education, athletics, performing arts, etc.) from these class size caps as deemed safe and appropriate.
 - c. Encourage all schools throughout the state of Connecticut to administer the Columbia Suicide Severity Scale when students are exhibiting mental health distress or suicide warning signs.
2. Effective July 1, 2024, the legislature and the Governor shall fund the following, as noted in 1a-b above:
 - a. Additional positions to the State Department of Education for the purpose of providing support, technical assistance, on-site monitoring, and oversight of districts improvements plans.
 - b. Funds to permit districts to implement improvement plans.
 - c. Increase in workforce/support staff gap to support the efforts to reduce and cap classroom to teacher ratios as noted in 1b, starting with PreK to 2nd grades.
3. Effective July 1, 2023, through July 1, 2026, for purpose of a case study of reporting on Alternative Educational Opportunities (AEOs) from all districts, districts shall report on a twice-yearly basis to Juvenile Justice Policy and Oversight Committee and to the CSDE with the expectation that a MOA with the University of New Haven to complete the study.
 - a. Number of expulsions and use of alternative educational opportunities (AEOs) for expelled students for the time period. Reporting will include identification of AEO placements and listing of completed credits for expelled students during their AEO placement.
 - b. A description of the alternative educational opportunities provided by the district and how it compares with the model program promulgated by the State Department of Education in “Standards for Educational Opportunities for Students Who Have Been Expelled.”
4. Behavior perceived by adults as being of a “violent or sexual nature” that may trigger suspension or expulsion of a PreK-2 student within current state statute is evidence of a child’s need for intervention, not exclusion. Effective July 1, 2024, the Department of Education shall organize a team comprised of members of the subcommittee and others to develop guidance and strategies that aim to reduce out of school suspension and expulsions in pre-k -2. Guidance shall include precise, research based, developmentally appropriate definitions of the terms “violent or sexual nature” as they may apply to this age group, examples of behaviors which may trigger the need for intervention despite the ban, and developmentally appropriate interventions.

Community Expertise Workgroup

Background

The mandate of the JJPOC is to create and evaluate policies and practices related to the youth legal system. The Community Expertise Workgroup's role is to identify and suggest ways to overcome barriers to equal, sustainable participation with the JJPOC work by those who have experience with the system. In the most recent JJPOC strategic plan, the inclusion of impacted youth and family voices were highlighted as a goal. To meet this goal, the inclusion of youth and community members can assist in not only examining the operation of the JJPOC and eliminating barriers to participation, but also inform the ongoing work of the JJPOC and working groups.

Solidifying appointed seats at the JJPOC for impacted youth and families will strengthen the work and productivity of the JJPOC. When discussing ways to improve juvenile legal policies, practices, and procedures, partnering with those who will be or have been impacted by such policies, practices and procedures will ensure that future recommendations are created with direct perspective of the impact. Committing to appointed voting seats moves toward equalizing the partnership and gives young people and parents a reason and increase in interest to want to inform the ongoing work of the JJPOC.

2023 Recommendation

The goal is to solidify the commitment to partner with young people and families that currently are or have been impacted by the juvenile justice system to inform the ongoing work of the Juvenile Justice Policy and Oversight Committee (JJPOC).

1. **Public Act 14-217**, Section 79 be amended to increase the membership of the JJPOC to include:
 - a. Two children/youth/young adults between the ages of 18 and 26 with lived expertise in the juvenile justice system and nominated by the Community Expertise Workgroup, one of whom shall be appointed by one chairperson of the Juvenile Justice Policy and Oversight Committee, and one of whom shall be appointed by the other chairperson of the Juvenile Justice Policy and Oversight Committee; and
 - b. One community member, which could include family members of youth impacted by the juvenile justice system or credible messengers with lived expertise in the justice system and currently working with youth in the juvenile justice system, nominated by the Community Expertise Workgroup and appointed by the chairpersons of the Juvenile Justice Policy and Oversight Committee.

The state shall fund sponsor organizations to support members appointed by the Community Expertise Workgroup with transportation, childcare, and stipends to enable member participation.

For more details or questions on the 2023 JJPOC Recommendations, please contact Erika Nowakowski at enowakowski@newhaven.edu

The Tow Youth Justice Institute is a university, state and private partnership established to lead the way in juvenile justice reform through collaborative planning, training, research and advocacy.

Please visit our website at towyouth.newhaven.edu and follow us on social media [@towyouth](https://twitter.com/towyouth) or call 203-932-7361 with questions or for more information.



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