
OLR Bill Analysis

sHB 6888 (as amended by House "A")*

AN ACT CONCERNING JUVENILE JUSTICE.

SUMMARY

This bill makes various changes in laws on juvenile justice.

Among other things, it:

1. creates an implementation team to develop a prearrest diversion plan for low-risk children (§ 1);
2. expands the Juvenile Justice Policy and Oversight Committee's (JJPOC) membership by adding five new members, establishes incarceration and enterprise subcommittees, and requires these subcommittees to help specified state agencies develop certain plans (§ 2);
3. requires various state agencies, by November 1, 2023, and in consultation with designated JJPOC subcommittees, to develop a reentry success plan for youth released from the Department of Correction (DOC) and the Judicial Department's facilities and programs (§ 3); and
4. requires the judicial branch, by July 1, 2023, to begin reviewing and updating the implementation plan developed under PA 21-174, § 13, to securely house in the branch's custody anyone under age 18 who is arrested and detained (§ 4).

*House Amendment "A" replaces the underlying bill (File 758) and (1) adds two tribal members to the JJPOC; (2) adds a juvenile review board representative to the bill's prearrest diversion plan implementation team; and (3) removes provisions in the underlying bill on mandatory referrals to juvenile review boards, the DOC commissary

implementation plan, racial profiling, and traffic and pedestrian stops.

EFFECTIVE DATE: Upon passage

§ 1 — PREARREST DIVERSION PLAN

Implementation Team

The bill establishes an implementation team and requires it to (1) develop a plan for prearrest diversion of low-risk children and (2) in doing so, consider stakeholder input, including from children, families, and law enforcement officials.

The implementation team must include (1) the commissioners of the departments of Children and Families (DCF), Education (SDE), and Correction (DOC), or their designees; (2) the judicial branch's Court Support Services Division's (CSSD) executive director, or the executive director's designee; (3) representatives of local and regional boards of education; and (4) a juvenile review board representative appointed by the JJPOC chairpersons.

The Plan

By January 1, 2024, the implementation team must develop a plan for automatic prearrest diversion of children to the community-based diversion system or other community-based service providers instead of arrest for first or second offenses. The bill specifies that this includes offenses such as simple trespass, creating a public disturbance, 2nd degree breach of peace, and 6th degree larceny (the first two are infractions and the second two are misdemeanors).

The bill requires the implementation team, when developing the plan, to consider and include data on prearrest diversionary measures implemented under the community-based diversion system.

The plan must also consider:

1. the capacity of youth service bureaus and other local agencies who will provide services to children diverted under the plan,
2. accountability mechanisms to measure success of these services,

3. processes for victim input and involvement,
4. data collection to track referrals of diverted children to youth service bureaus,
5. communication and outreach strategies to stakeholders for accessing local services,
6. dates to fully implement the plan, and
7. any other considerations the team finds necessary for the plan's successful implementation.

Plan Submission and Report on Findings

By July 1, 2024, the implementation team must submit the plan for automatic prearrest diversion of children and report its findings and recommendations to JJPOC. The implementation team terminates when it submits its report or January 1, 2025, whichever is later.

§ 2 — JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE (JJPOC)

Membership

The bill adds five people to JJPOC's membership as follows:

1. two children, youths, or young adults under age 26 with lived experience in the juvenile justice system, one each appointed by the Judiciary Committee's House chairperson and ranking member;
2. one community member, who may be a family member of a child who has been involved with the juvenile justice system or a credible messenger with lived experience in the system and who works with youth in the system; and
3. two tribal members, one each from the Mashantucket Pequot Tribe and Mohegan Tribe of Indians of Connecticut, appointed by their respective tribe.

The community member must be nominated by the community

expertise subcommittee (see below) and appointed by the committee's chairpersons.

Subcommittees

Education. Current law required JJPOC to convene a subcommittee to, generally, develop a detailed plan on the coordination and oversight of all educational services and programs for children in justice system custody and the provision of education-related transitional support services for their return to the community. The bill specifically names this the education subcommittee and expands its purpose by requiring it to also fulfill tasks as directed by the committee, and consult in developing the reentry success plan (see § 3 below).

Incarceration and Community Expertise. The bill requires JJPOC to appoint people to an incarceration subcommittee and a community expertise subcommittee to help develop a reentry success plan (see § 3 below) and fulfill other tasks, as the committee directs.

§ 3 — REENTRY SUCCESS PLAN

By November 1, 2023, the bill requires the CSSD executive director and the DCF, SDE, and DOC commissioners, or their designees, in consultation with JJPOC's incarceration, community expertise, and education subcommittees, to develop a reentry success plan for youth released from DOC and the Judicial Department's facilities and programs. The CSSD executive director and the DCF, SDE, and DOC commissioners, or their designees, must report the plan to JJPOC by January 1, 2024.

Purpose

Under the bill, the plan's purpose is to successfully reintegrate youth into their communities. In developing the plan, the executive director and commissioners, or their designees, in consultation with the specified subcommittees, must consider all aspects deemed necessary to successfully implement the plan, including:

1. reentry models and best practices around the country, including reentry hubs, community-based, enhanced reentry wraparound

services, and transitional housing, and

2. expansion of community reentry roundtables and welcome centers that focus on youth.

Principles and Frameworks

Under the bill, the plan must also incorporate restorative and transformative justice principles and include a quality assurance framework.

Restorative and Transformative Justice Principles. These principles must include the:

1. provision of individualized academic support and the role of school districts in ensuring the provision of academic, vocational, and transition support services;
2. connection of youth to vocational and workforce opportunities and developmentally appropriate housing;
3. delivery of trauma-informed mental health and substance use treatments;
4. development of restorative justice reentry circles;
5. use of credible messengers as mentors or transition support providers; and
6. role of reentry coordinators.

Quality Assurance Framework. The plan must also include a proposed quality assurance framework, including collecting appropriate data, promulgating a public dashboard, and a monitoring framework to ensure the successful discharge and reentry of incarcerated youth.

Funding Sources Information

Additionally, the plan must include information on federal and state funding sources supporting a comprehensive reentry model and the

identification of implementation priorities and appropriate timelines.

§ 4 — PLAN TO SECURELY HOUSE PERSONS UNDER AGE 18

Plan Review and Update

PA 21-174, § 13, required the judicial branch to develop an implementation plan to securely house in its custody anyone under age 18 who is arrested and detained prior to sentencing or disposition, starting in 2023.

By July 1, 2023, the bill requires the judicial branch to begin reviewing and updating this plan. In the update, the branch must include provisions for the full and final transition of all children from DOC into the branch’s care and custody. The updated plan must include a phased-in timetable for full implementation and estimated costs for each phase.

Submission of Updated Plan and Recommendations

The bill requires the judicial branch to submit the updated implementation plan, along with any recommendations for legislation, funding, or policy changes, to the Judiciary Committee and JJPOC by December 15, 2023.

BACKGROUND

Legislative History

The House referred the bill (File 622) to the Appropriations Committee, which reported a substitute eliminating provisions in the underlying bill appropriating unspecified funds from the General Fund to (1) the Office of Policy and Management to assist with the three new JJPOC members and (2) DOC to fully implement the bill’s required commissary implementation plan.

Related Bill

HB 6902, reported favorably by the Appropriations Committee, expands the services provided by youth service bureaus, requires these bureaus in municipalities under a certain population, and requires the DCF commissioner and the chief court administrator, in consultation with the Consultation Center at Yale, to develop a new diversion program (“Diversion First”) to divert from the juvenile justice and court

system juveniles who (1) have committed a first or second criminal offense, (2) have been charged with a minor criminal offense, or (3) are chronically absent from school.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 25 Nay 12 (03/30/2023)

Appropriations Committee

Joint Favorable Substitute

Yea 38 Nay 13 (05/01/2023)