

PRE-ARREST DIVERSION PLAN



**A Report Prepared for the Juvenile Justice
Policy and Oversight Committee
August 7, 2024**



Executive Summary

Introduction

The development of the following *Automatic Prearrest Diversion Plan* originates from [Public Act 23-188, Section 1](#) requiring that an implementation team develop a diversion plan for low-risk children. Section 1(a) of Public Act 23-188 requires the chairperson(s) of the Juvenile Justice Policy and Oversight Committee (JJPOC) identify representatives for the implementation team tasked with developing and submitting a plan in which low risk children are diverted rather than arrested. The team will include the commissioners of the Department of Children (DCF) and Families, State Department of Education (CSDE), and Department of Corrections (DOC) along with the executive director of the Judicial Branch, Court Support Services Division (JBCSSD) or their designee and representatives from local and regional boards of education and Juvenile review Boards (JRBs).

Recommendations

Recommendation	Implementation Strategy
1. Diversion Workgroup will develop an implementation proposal for standardization of all Juvenile Review Board's by November 1, 2024.	To be outlined in the November 1, 2024 Report
2. The Diversion Workgroup will partner with the State of Connecticut's Department of Emergency Services and Public Protection (DESPP), Community Expertise Workgroup (CEW), and the Connecticut Police Officer Standards and Training Council (POSTC), to develop a "Statewide Pre-Arrest Diversion Policy."	Policy
3. The Diversion Workgroup will partner with DESPP, POSTC, and CEW, to develop a "Youth Diversion Training Curriculum" that police departments across the state would be required to complete every three years as part of the law enforcement accreditation process.	Policy and training
4. The Diversion Workgroup will partner with members of the CEW to "Identify Youth and Police Engagement Training Programs " that aim to educate young individuals on safe and effective interactions with law enforcement.	Training



Background


The State of Connecticut has made several positive reforms aimed at reducing the arrest of young people, most recently through raise the age legislation and removing status offenses from court jurisdiction. In 2021, Connecticut raised the minimum age of criminal responsibility (MACR) from 7 to 10 years of age through [Public Act 21-174](#), meaning that children younger than 10 could no longer be arrested. Prior to that, in 2017, it became law that families with service needs were no longer referred to courts to receive services. These laws included youth that had run away from or were “beyond the control” of their parent or guardian. One year later in 2018 Connecticut created in statute the [Community Based Diversion System](#) and School Based Diversion Framework aimed to serve local youth and families in need. Through these changes, Youth Service Bureaus and Juvenile Review Boards became the “coordinating hub” for Connecticut’s Diversion system. Although Connecticut has made progress in limiting the entry of youth into the youth legal system, there remains critical efforts to establish alternatives to arrest through a diversionary system for young people. Research suggests that contact with the criminal legal system increases the likelihood of future delinquency and contact with the legal system.¹

The previous iterations of the Alternative to Arrest plans as outlined in the [2022](#) and [2023](#) Juvenile Justice Policy and Oversight Committee Recommendations (JJPOC) have a focus on the automatic prearrest diversion for specific offenses. In 2022, the automatic prearrest diversion plan included the diversion of simple trespass 53a-110a, creating a public disturbance 53a-181a, disorderly conduct 53a-182, and larceny in the sixth degree 53a-125a and 53a-125b. The 2023 alternatives to arrest plan expanded on the 2022 plan adding breach of peace in the second degree 53a-181 and larceny in the fifth degree 53a-125a to the list of offenses, which youth would be automatically diverted for first- or second-time offenses. These recommendations, although approved by the JJPOC, were not approved by the Connecticut General Assembly and the concept of a pre-arrest diversion plan was sent back out for re-development.

The Implementation Teams Work

The Diversion Workgroup is co-chaired by Dr. Lisa Simone and Thea Montanez who also Chair the Alternatives to Arrest Subgroup, which held monthly meetings with subgroup membership and engaged stakeholders identified in legislation to prepare for the July 1st submission of the *Automatic Prearrest Diversion Plan* per section 1(c) of Public Act 23-188. In moving this work forward, the group discussed the [2022](#) and [2023](#) offense based

¹ Motz et al., 2018, Johnson et al., 2004, Mowen et al., 2018



Alternatives to Arrest Plans, reviewed Tier 1 and Tier 2 offense data from CYSA, Tier 1 and Tier 2 Risk Based Case Handling (RBCH) data from the Judicial Branch Court Support Services Division (JBCSSD), and engaged with the Department of Emergency Services and Public Protection (DESPP), several Chiefs of police and representation from Youth Service Bureau's (YSB's). In review of previous work on alternatives to arrest and input from membership and law enforcement, the group established consensus around a plan to standardize practices and access to Juvenile Review Boards (JRBs) across municipalities in the State of Connecticut and partner with the Connecticut Police Officer Standards and Training Council (POSTC) to deliver youth diversion training as part of its accreditation process for local law enforcement.


Per PA 23-188 the group considered:

“(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 services provided; (3) processes for victim input and involvement; (4) data collection for the purpose of tracking referrals of diverted children to youth service bureaus; (5) communication and outreach strategies to stakeholders for the purpose of accessing local services; (6) dates for full implementation of the plan; and (7) any other considerations the implementation team finds necessary for a successful implementation of the plan.”

The Alternatives to Arrest Subgroup of the JJPOC addressed complex and nuanced issues within the juvenile justice system. Our recent engagements with Youth Service Bureaus (YSBs), the Connecticut Youth Services Association (CYSA), the Department of Emergency Services and Public Protection (DESPP), local Chiefs of Police, and The Judicial Branch Court Support Services Division (JBCSSD) have furthered the groups understanding of diversion as it currently exists in the state of Connecticut and redirected the groups approach for youth diversion.

Complexity in Service Delivery by Youth Service Bureaus (YSBs) and Juvenile Review Boards (JRBs)

One of the key discussions spearheaded by the Alternatives to Arrest Subgroup revolves around the complex service delivery from Youth Service Bureaus (YSBs). In 1975, Public Act No. 75-487, An Act Concerning the Establishment and Operation of Youth Services Systems within the State, was passed. With the passage of the Public Act, YSBs became a




permanent part of the service delivery system for youth and families within the Department of Children and Youth Services (now DCF). The earliest Juvenile Review Boards in Connecticut were directly associated with the language contained in State Statute coinciding with the creation of community-based Youth Service Bureaus (YSBs) offering diversion alternatives for at-risk youth. All Juvenile Review Boards play a critical role as a “service bridge” among families, police departments, school systems, juvenile court, human service departments, mental health delivery systems, and the Department of Children and Families.² YSB’s are pivotal in the diversion process, yet they face significant challenges related to funding inconsistencies and disparities in community resources across urban, rural, and suburban areas. The variability in service delivery affects the equity and effectiveness of diversion programs. YSBs aim to identify these disparities and advocate for more uniform support and resources, ensuring that all YSBs are equally equipped to manage juvenile cases effectively. The Executive Director of the Connecticut Youth Services Association (CYSA) emphasizes the diversity of the needs and structures of Youth Service Bureaus (YSBs) across different communities. She points out that while all YSBs comply with the basic statutory requirements outlined under Connecticut General Statute section 10-19m—responsible for planning, evaluation, coordination, and implementation of a comprehensive network of services for youth—there is significant variability in how these services are implemented locally. This variability is primarily because most of the funding and operational support for YSBs come from the local communities themselves, which tailor services to meet the specific needs of their youth and families.

CYSA leadership notes that the effectiveness of services can vary significantly between different communities, such as urban areas like Hartford, compared to smaller suburban communities like Canton, implying that a standardized approach across all YSBs might not be effective. However, she acknowledges the potential for standardizing certain aspects of YSB operations, particularly in the Juvenile Review Board (JRB) practices. CYSA is willing to collaborate on developing a more standardized, effective approach for JRB practices to enhance the overall impact of YSBs in supporting youth and families across Connecticut.

Engagement with DESPP and Local Law Enforcement

The Diversion Workgroup is committed to forging effective partnerships with law enforcement to enhance community safety through strategic diversionary programs and engagement initiatives. In our recent meetings with DESPP and local police chiefs, we

² [History of CYSA \(ctyouthservices.org\)](https://www.ctyouthservices.org)



explored the reality that specific violations often lead to divergent outcomes for youth. These discussions have highlighted the need for clearer guidelines and more consistent application of diversion strategies across different jurisdictions. By collaborating closely with the State of Connecticut's Department of Emergency Services and Public Protection (DESPP) and the Connecticut Police Officer Standards and Training Council (POSTC), we aim to develop and implement a "Uniform Statewide Pre-Arrest Youth Diversion Policy."

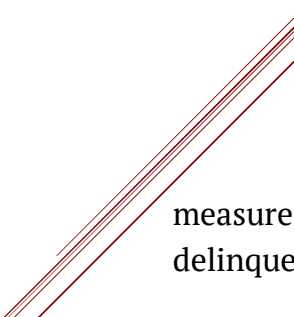
Additionally, youth and local law enforcement have expressed a desire to collaborate to enhance training programs offered to new police recruits and professional development trainings emphasizing the importance of de-escalation techniques during interactions with youth. Looking forward, the DESPP has committed to expanding its training offerings to include advanced de-escalation techniques tailored specifically for interactions with youth. This initiative is crucial for fostering an environment where law enforcement can respond to youth-related incidents in ways that de-escalate tensions and facilitate a more diversion-oriented approach. Such training is expected to reduce instances of youth entering the youth legal system and build trust between law enforcement agencies and the communities they serve.

These training sessions aim to equip officers with the skills necessary as they engage in developmentally targeted interventions that may enhance their ability to handle potentially volatile situations more effectively, reduce the need for harsher interventions, and support the broader goals of diverting away from the juvenile justice system.

The Judicial Branch Court Support Services Division (JBCSSD)

The discussion with the JBCSSD Juvenile Probation Services Unit highlighted their comprehensive strategy for juvenile diversion, which includes risk-based case handling screening and assessment at the point of court referral. This strategy involves diverting low-risk youth who commit minor delinquency offenses to the community diversion system and community-based service providers instead of formal court processing. Services include educational support, counseling, mentoring, and prosocial activities.

JBCSSD recognizes the crucial role that mental health plays in behavior. Another component of the risk-based case handling screening and assessment process involves mental health and trauma screening. When necessary, youth and their families are referred to mental health providers to ensure they receive the mental health, psychiatric, and substance use treatment needed to address underlying issues. This preventative



measure aims to divert youth from formal court processing for behaviors that present as delinquent but require a behavioral health intervention.

Lastly, the agency uses restorative practices that focus on the reconciliation process between the youth and those affected by their actions. Trained Juvenile Probation Officers, as a part of a court diversion or intervention, facilitate restorative circles to repair harm and promote healing and restoration of those affected by a harmful act through structured communication processes that include the youth, family, victim, and community. This practice emphasizes the importance of accountability and aims to build relationships and constructively integrate the youth into the community.

Collaboration with Communities and Young People in Developing a Diversion System


For true adaption of any diversion plan and system, consideration must be made for the needs and expectations of the communities, families, and young people impacted across the State of Connecticut. It is, therefore, imperative, that as these efforts are outlined, developed, and strategically implemented, the voices from the community inform their development, reshaping, and implementation. To this end, we endeavor to involve the voices of those directly and indirectly impacted to ensure that the proposed methods align with best practices but also are tailored to meet the diverse and unique needs across the State by engaging key constituent groups in review and input into the proposed methods. This involvement spans all the proposed recommendations and, by calling attention to the involvement of the key constituents, we hope to propose strategies that align with Connecticut's needs and supports the healthy development of our young people as they matriculate into the next generation of leaders for the State.

Commitment to Reform

The Alternatives to Arrest Subgroup is committed to leveraging every discussion, data insight, and community feedback to push for substantive reforms in the juvenile justice system. By addressing the areas of gray and enhancing the capabilities of both YSB's, JRB's, and law enforcement, JJPOC aims to create a more just, equitable, and effective system that serves our youth and reflects the values of our communities.

The Plan

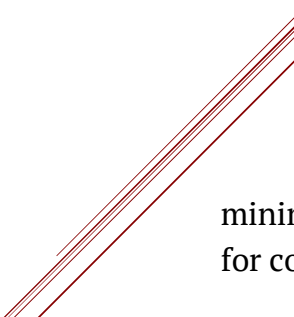
1. The Connecticut Juvenile Justice Policy Oversight Committee's Diversion Workgroup will develop an implementation proposal for standardization of all Juvenile Review Board's by November 1, 2024. This initiative aims to develop a uniform framework for all JRBs across the state that aligns with an integrated approach that considers the



public health, socio-ecological, and restorative justice frameworks.³ This approach should help ensure consistency in procedures, interventions, and evaluation strategies. Enhancing partnerships with the Connecticut Youth Service Association (CYSA) and Youth Service Bureaus (YSBs) is essential to planning and implementing effective, community-based alternatives to arrest. Moreover, the strategy involves initiating a statewide policy to provide ongoing training and resources to JRBs, which will support their effective functioning and optimize outcomes. This comprehensive approach is designed to harmonize efforts across the state, fostering a more cohesive and supportive environment for youth.

2. Second, the Diversion Workgroup will partner with the State of Connecticut’s Department of Emergency Services and Public Protection (DESPP), the Connecticut Police Officer Standards and Training Council (POSTC) and members of the Community Expertise Workgroup (CEW) to “**Develop a Uniform Statewide Pre-Arrest Youth Diversion Policy**” which will serve as the minimum standard for all pre-arrest youth diversion police practices in the State of Connecticut. Currently, there are multiple uniform statewide policies that POSTC has adopted for implementation by local law enforcement and it’s our goal to standardize police practices specific to pre-arrest youth diversion to ensure uniformity in practice; ethical response to youthful offending; developmentally informed strategies that are based on the science that promotes positive youth development; strategies that build on best practice efforts within sound public health, ecological systems, and restorative justice practices, all informed by the science of prevention and intervention.
3. In response to the need for additional training specific to youth policing, the Diversion Workgroup is partnering with DESPP, POSTC, and members of the CEW to “**Develop a Youth Diversion Training Curriculum**” that police departments across the state would be required to complete every three years as part of the law enforcement accreditation process. The curriculum will ensure that officers remain adept in understanding youth diversion policies and practices, as well as youth behavior, cultural competence, and effective communication strategies. These efforts aim to

³ April, K., Schrader, S. W., Walker, T. E., Francis, R. M., Glynn, H., & Gordon, D. M. (2023). Conceptualizing juvenile justice reform: Integrating the public health, social ecological, and restorative justice models. *Children and Youth Services Review*, 148, 106887.
<https://doi.org/https://doi.org/10.1016/j.childyouth.2023.106887>



minimize the need for arrest or force, fostering a safer, more supportive environment for community policing.

4. In addition to developing resources for local law enforcement, the Diversion Workgroup is partnering with members of the CEW to “**Identify Youth and Police Engagement Training Programs**” that aim to educate young individuals on safe and effective interactions with law enforcement. The training curriculum should be interactive and feature role-playing exercises and scenario-based learning, with input from experienced law enforcement officers to ensure the training is realistic and practical. This proactive approach seeks to build mutual understanding and respect between youth and police, reducing potential conflicts and fostering a safer community environment. This policy will prioritize proactive measures to divert at-risk and disconnected youth from the justice system, emphasizing engagement programs that provide wraparound services and mentoring. By fostering consistent engagement and building productive relationships, we seek to cultivate familiarity and trust within our communities, ultimately promoting de-escalation and creating safer, more supportive environments for all.

By focusing on the planning and implementation of these four recommendation areas, the Connecticut JJPOC Diversion Workgroup can create a more equitable, effective, and responsive system that supports the successful integration of young people into their communities while reducing the need for arrest and detention.

References

Motz, R. T., Barnes, J. C., Caspi, A., Arseneault, L., Cullen, F. T., Houts, R., ... & Moffitt, T. E. (2020). Does contact with the justice system deter or promote future delinquency? Results from a longitudinal study of British adolescent twins. *Criminology*, 58(2), 307-335.

Johnson, L. M., Simons, R. L., & Conger, R. D. (2004). Criminal justice system involvement and continuity of youth crime: A longitudinal analysis. *Youth & Society*, 36(1), 3-29.

Mowen, T. J., Brent, J. J., & Bares, K. J. (2018). How arrest impacts delinquency over time between and within individuals. *Youth Violence and Juvenile Justice*, 16(4), 358-377.