

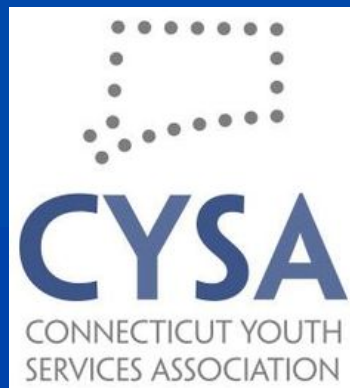
# **WARNING!**

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**NOTE: This material was updated on June 1, 2016 and is subject to change after that date as new laws get passed and new court decisions are rendered. You should refer to the current laws and decisions when taking any action.**

# State of Connecticut Division of Criminal Justice

Kevin T. Kane, Chief State's Attorney



## Connecticut Youth Services Association

# Connecticut's Juvenile Justice System in 2016

Juvenile Review Board / LIST Conference - New Britain  
June 2016

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**This presentation will be  
available at  
[www.francarino.com](http://www.francarino.com)  
in the “Civilian Presentation/  
Training Modules” section.**

***The juvenile sections of the Governor's  
"Second Chance Society 2.0" proposal  
did not pass.***

That proposal would have, effective 10/1/16:

- made 18, 19 & 20 year olds “youthful offenders” (cases would still be heard in the adult courts)
- offered them confidentiality of arrest and conviction information
- court hearings would have been open to the public
- made their records erasable four years after sentencing

- created new category of “young adults” whose cases would be heard in the juvenile court
  - 18 year olds on 7/1/17;
  - 19 year olds on 7/1/18;
  - 20 year olds on 7/1/19;
- made all class B felonies, except larceny 1st, again subject to automatic transfer to the adult court
- changed criteria for discretionary transfers from “in the best interests of the child” to “public safety can best be served by transferring the case to the adult criminal court”

- eliminate mandatory minimum sentences for juveniles transferred to the adult court
- would not change mandatory age for a DCF commitment (would remain at age 20)
- would have effectively taken the parents of 18, 19 & 20 year olds out of the process:
  - no provision for police to release to parent
  - no requirement for police to serve summons on parent
  - no provision for court to release to parent
  - no notice to parent of arrest or court date

- no notice to parent when detained
- no provision for detention to release to parent
- no parental access to juvenile records
- no service of petition on parent (name not even listed on the document)
- would not include home conditions in predisposition study
- as conditions of probation, court could not:
  - order that they reside with parent
  - order that they attend school
- no provision to inform parent of conditions of probation or any modifications of conditions



***PA 16-147 did pass however***

## ***Currently Required to Place a Juvenile in Detention***

- (A) there is probable cause to believe that the child has committed the acts alleged,
- (B) there is no less restrictive alternative available and
- (C) one of the following:
  1. a strong probability that the child will run away,
  2. a strong probability that the child will commit other offenses injurious to the child or to the community,
  3. probable cause to believe that the child's continued residence in the child's home poses a risk to the child or the community because of the serious and dangerous nature of the acts the child is alleged to have committed,
  4. a need to hold the child for another jurisdiction,
  5. the child has failed to respond to the court process, or
  6. the child has violated the conditions of release;

## ***Impact of PA 16-147 (effective 1/1/2017)***

(A) there is probable cause to believe that the child has committed the acts alleged,

(B) there is no less restrictive alternative available and

(C) one of the following:

1. ~~a strong probability that the child will run away.~~

2. a strong probability that the child will commit an act that is  
injurious ~~to the child or~~ to the community

Child has a history of running away or tells the police they are running away upon release.

3. probable cause to believe that the child's continued residence in the child's home poses a risk to ~~the child or~~ the community because of the serious and dangerous nature of the acts the child is alleged to have committed,

Child has a substance abuse problem, is associated with a gang or involved in prostitution or trafficking.

4. a need to hold the child for another jurisdiction

5. the child has failed to respond to the court process, or

6. ~~the child has violated the conditions of release;~~

Child is out on a suspended detention order for another crime and they fail to abide by a court ordered curfew, order to attend school, remain alcohol or drug free or not associate with known gang members.

## ***Required to Place a Juvenile in Detention After 1/1/2017***

- (A) there is probable cause to believe that the child has committed the acts alleged,
- (B) there is no less restrictive alternative available and
- (C) one of the following:
  1. probable cause to believe that the child will pose a risk to public safety if released to the community prior to the court hearing or disposition,
  2. a need to hold the child in order to ensure the child's appearance before the court, as demonstrated by the child's previous failure to respond to the court process, or
  3. a need to hold the child for another jurisdiction.

***Risk of harm to the child & violation of conditions of release no longer considered.***

***Some creativity may be required when making requests for detention.***

## ***Requirements to place a juvenile in detention after a hearing***

- (A) there is probable cause to believe that the child has committed the acts alleged,
- (B) there is no less restrictive alternative available and
- (C) **through the use of the detention risk assessment instrument** one of the following:

1. probable cause to believe that the child will pose a risk to public safety if released to the community prior to the court hearing or disposition,
2. a need to hold the child in order to ensure the child's appearance before the court, as demonstrated by the child's previous failure to respond to the court process, or
3. a need to hold the child for another jurisdiction.

***Risk of harm to the child & violation of conditions of release no longer considered.***

***Some creativity may be required when making requests for detention.***

***How will a risk assessment instrument inform the court on these issues?***

**The court may consider a suspended detention order with graduated sanctions based on the detention risk assessment.**

## ***Impact of PA 16-147 (§1(f) effective 1/1/17)***

The police officer who brings a child into detention:

1. shall have first notified, or made a reasonable effort to notify, the parents or guardian of the child in question of the intended action and
2. shall file at the detention center a signed statement setting forth the alleged delinquent conduct of the child **and**
3. **the order to detain such child.**

**Upon admission, the child shall be administered the detention risk assessment instrument.**

**Unless the child was arrested** for a serious juvenile offense or unless an order not to release is noted on the take into custody order, arrest warrant or order to detain, the child may be released to the custody of the child's parent or parents, guardian or some other suitable person or agency.

## ***Impact of PA 16-147 (§1(j) effective 1/1/17)***

**An order holding a child in detention shall be for a period up to seven days or until the dispositional hearing is held, whichever is shorter.**

- Such orders used to be up to 15 days;**
- Are more frequent court hearings really necessary?**
- Are the costs & risks associated with transporting detainees around the state for more frequent court hearings justified?**

**Any information concerning a child that is obtained during the administration of the detention screening instrument shall be used solely for the purpose of making a recommendation to the court regarding the detention of the child.**

***(§4 effective 1/1/17)***

## ***Impact of PA 16-147 (§6 effective 10/1/16)***

In addition, with respect to proceedings concerning delinquent children, the Superior Court shall have authority to make and enforce such orders as the court deems necessary or appropriate to **[punish the child] provide individualized supervision, care, accountability and treatment to such child in a manner consistent with public safety**, deter the child from the commission of further delinquent acts, **[assure] ensure that the child is responsive to the court process, ensure** that the safety of any other person will not be endangered and provide restitution to any victim.

***"We are going to try a new method of parenting," said Rep. Toni Walker, D-New Haven, co-chair of the JJPOC.***



***How LISTS & YSBs might get involved***

## ***Impact of PA 16-147 (§7 effective 8/15/17)***

"Family with service needs" means a family that includes a child who is at least seven years of age and is under eighteen years of age who (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's or youth's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, or (D) **[is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations, or (E)]** is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child;

***Impact of PA 16-147 (§8(b) effective 8/15/17)***

(b) Each local and regional board of education shall adopt and implement policies and procedures concerning truants who are enrolled in schools under the jurisdiction of such board of education. Such policies and procedures shall include, but need not be limited to, the following: ... **(5) on or before August 15, 2018, the implementation of a truancy intervention model identified by the Department of Education pursuant to section 9 of this act for any school under its jurisdiction that has a disproportionately high rate of truancy, as determined by the Commissioner of Education, ....**

## ***Impact of PA 16-147 (§10 effective upon passage)***

Added to mandatory police basic academy or field officer training:

- 1. the use of graduated sanctions;**
- 2. techniques for handling trauma;**
- 3. restorative justice practices;**
- 4. adolescent development;**
- 5. risk-assessment and screening tools; and**
- 6. emergency mobile psychiatric services;**

***Impact of PA 16-147 (§5 effective upon passage)***

By October 1, 2016, CSSD and DCF shall jointly develop a plan for the provision of community-based services to children who are diverted or released from detention. Such plan shall be informed by the comprehensive behavioral health implementation plan developed pursuant to section 17a-22bb and shall address the needs of the child, concerning

- (1) behavioral health,
- (2) intervention in the case of family violence, as defined in section 46b-38a of the general statutes, and
- (3) identification and means of resolution of precipitating behavioral factors that may be exhibited by a child who may run away.

## ***Impact of PA 16-147*** (§5 effective upon passage)

Such services may include, but need not be limited to:

- assessment centers,
- intensive care coordination and
- respite beds

CSSD and DCF shall jointly implement the plan by July 1, 2017.

***Impact of PA 16-147 (§11 effective upon passage)***

By August 15, 2017, SDE, DCF, DMHAS and CSSD shall develop a plan that includes cost options for school-based diversion initiatives to reduce juvenile justice involvement among children with mental health needs to be introduced into schools and school districts with high rates of school-based arrests, disproportionate minority contact and a high number of juvenile justice referrals, as determined by SDE.

## ***Impact of PA 16-147 (§12(l) effective 8/15/17)***

If a student who committed an expellable offense seeks to return to a school district after **[having been]** participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement and such student has not been expelled by the local or regional board of education for a subdivision (1) offense, the local or regional board of education for the school district to which the student is returning shall allow such student to return and may not expel the student for additional time for such offense.

*A subdivision (1) offense is conduct on school grounds or at a school-sponsored activity that is violative of a publicized policy or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process.*



***Impact of PA 16-147 (§18(k) effective upon passage)***

**Not later than January 1, 2017, the JJPOC shall submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children and the Secretary of the Office of Policy and Management, regarding a plan that includes cost options for the development of a community-based diversion system. Such plan shall include recommendations to address issues concerning mental health and juvenile justice. The plan shall include recommendations regarding the following:**

***Impact of PA 16-147 (§18(k) effective upon passage)***

- (1) Diversion of children who commit crimes, excluding serious juvenile offenses, from the juvenile justice system;**
- (2) Identification of services that are evidence-based, trauma-informed and culturally and linguistically appropriate;**
- (3) Expansion of the capacity of juvenile review boards to accept referrals from municipal police departments and schools and implement restorative practices;**
- (4) Expansion of the provision of prevention, intervention and treatment services by youth service bureaus;**
- (5) Expansion of access to in-home and community-based services;**

**A lot of “expansion,” but paid for how?**

***Impact of PA 16-147 (§18(k) effective upon passage)***

- (6) Identification and expansion of services needed to support children who are truant or exhibiting behaviors defiant of school rules and enhance collaboration between school districts and community providers in order to best serve such children;**
- (7) Expansion of MOUs between local law enforcement agencies and local and regional boards of education;**
- (8) Expansion of MOUs between local and regional boards of education and community providers for provision of community-based services;**
- (9) Recommendations to ensure that children in the juvenile justice system have access to a full range of community-based behavioral health services;**

***Impact of PA 16-147 (§18(k) effective upon passage)***

- (10) Reinvestment of cost savings associated with reduced incarceration rates and increased accessibility to community-based behavioral health services; Reimbursement policies that incentivize providers to deliver evidence-based practices to children in the juvenile justice system;**
- (11) Recommendations to promote the use of common behavioral health screening tools in schools and communities;**
- (12) Recommendations to ensure that secure facilities operated by DCF or CSSD and private service providers contracting with DCF or CSSD screen children in such facilities for behavioral health issues; and**
- (13) Expansion of service capacities informed by an examination of grant funds and federal Medicaid reimbursement rates.**

***Impact of PA 16-71*** (§6 effective 10/1/16)

**Increases the minimum age at which a person may be charged with prostitution from 16 to 18.**

Election Day is November 8th.  
LISTs & YSBs provide vital services.  
Make your mission known.  
Invite your candidates to your  
programs and meetings.  
Get your voices heard.

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