



## JJPOC Executive Committee

November 6, 2019

1:00-2:30pm

Legislative Office Building, 300 Capitol Avenue, Hartford, CT 06106

### Meeting Summary:

- Review of P.A. 19-187
  - The Committee reviewed the recent history that led to this legislative charge. Going back to January of 2019, the Office of the Child Advocate released their report on the conditions of confinement for incarcerated/detained youth. As a result of this report, the JJPOC's Incarceration Workgroup formed subgroups to address these areas of concern.
  - In June of 2019, CCLP began their work to explore organizational and programmatic alternatives with the Incarceration Workgroup. A subgroup focused specifically on this task was formed in August. To date, there has been extensive literature review, review of national practices/models, data collection & analysis, site visits to various out-of-home placement facilities, stakeholder interviews and focus groups with youth.
- Preliminary Presentation by Center for Children's Law & Policy
  - The presentation began with the current national trends concerning youth in the adult criminal justice system. The trends show that there is an effort to limit youth transfers to adult court as well as housing adult-charged and sentenced youth within the youth justice system. National research shows that the effects of transfer on juveniles to the adult system is a counterproductive strategy for preventing or reducing violence and that it produces the unintended effect of increasing recidivism, particularly in violent offenders
  - Examples of recent legislation and models in Oregon and Massachusetts were reviewed.
  - On the federal level, the Juvenile Justice Delinquency Prevention Act was reauthorized in 2018. A new provision prohibits participating states from holding adult-charged youth in adult jails (with minimal exceptions). Transfer of youth back to juvenile facilities must be completed by December 2021. It was noted that Connecticut is not a participating state with the JJDP.
  - Connecticut is currently the only state where responsibility for the continuum of youth in placement is with the Judicial Branch. Other states currently utilize adult correctional agencies, youth correctional agencies, family/child welfare agencies or human service agencies.
  - There was an overview of Connecticut data on this specific population.
  - Within the Subgroup, several options for organizational and programmatic alternatives were identified. One option is to further consolidate juvenile justice functions within the Judicial Branch. The second is the creation of a youth-specific division within the Department of Correction. The third is to create an Executive Branch Agency to manage

- residential placement of all youth under 18. The fourth is a co-location of operations between DOC and the Judicial Branch.
- Of the options, CCLP recommends the creation of an Executive Branch Agency. It remedies separation of powers concerns caused by the Judicial Branch's involvement with detaining sentenced youth. It also would standardize experiences across various levels of placement. In addition, it would create efficiencies in operating, contracting and oversight. It would also be able to maximize the availability of placement options and it aligns with Dr. Peter Leone's recommendation regarding the need for a single entity to manage education of youth across placements. CCLP provided an overview of what will be needed to accomplish this, given the deadline of July 1, 2021. CCLP also discussed some of the costs associated with not making a positive change. This includes potential litigation against the state as well as high levels of recidivism.
  - Discussion
    - There was a lengthy discussion after the presentation. The Committee discussed what percentage of unsentenced youth are incarcerated at MYI due to failure to pay bond.
    - It was also noted that the Hartford and Bridgeport Detention Centers maximum capacity numbers are misleading in the presentation due to the American Correctional Association, the National Commission on Correctional Health Care, and the Prison Rape Elimination Act, which allows for the maximum capacity for both facilities at 52.
    - The Committee discussed the possibility of including transfer language into any recommendation that would make waiver hearings mandatory for all juveniles to be charged as adults.
    - Members of the Committee also discussed potential options that would allow youth who are sentenced under age 18 to be housed in youth correctional facilities until a certain set age (e.g. 25<sup>th</sup> birthday, like the OYA model)
  - Next Steps
    - The Committee has asked to see trend data for race & ethnicity of youth in DOC custody
    - The Committee also asked for trend data on states and their proposed changes as to what agency is responsible for the youth continuum.
    - CCLP will be presenting a revised version to the JJPOC on November 21<sup>st</sup>.

**Next Meeting:** December 13, 2019