

Organizational and Programmatic Alternatives for Youth Charged and Sentenced as Adults under Age 18 in the State of Connecticut

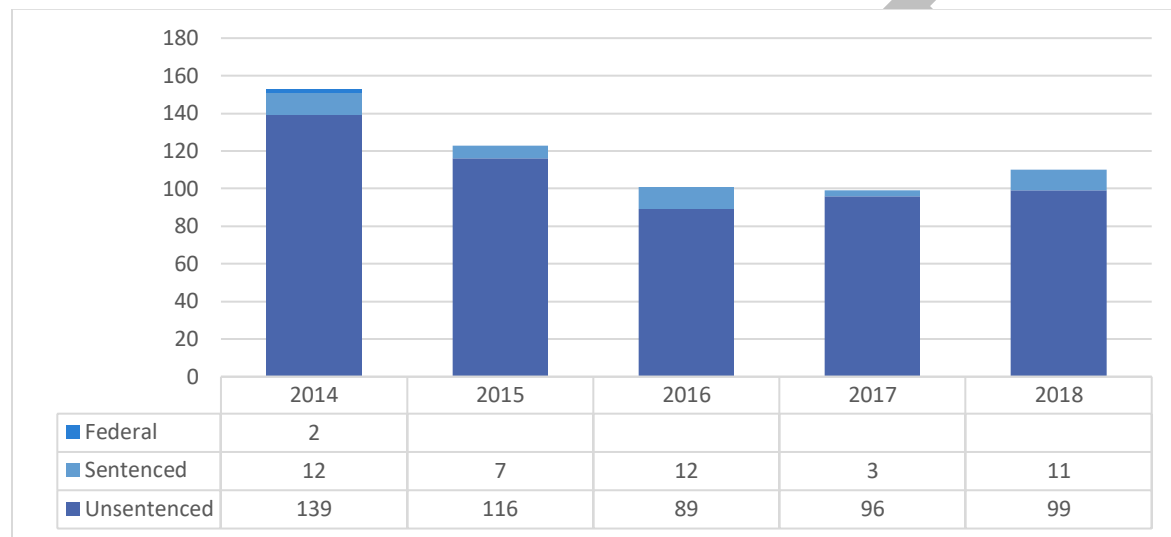
Prepared by the Center for Children's Law and Policy
NOVEMBER 2019

Population Trends

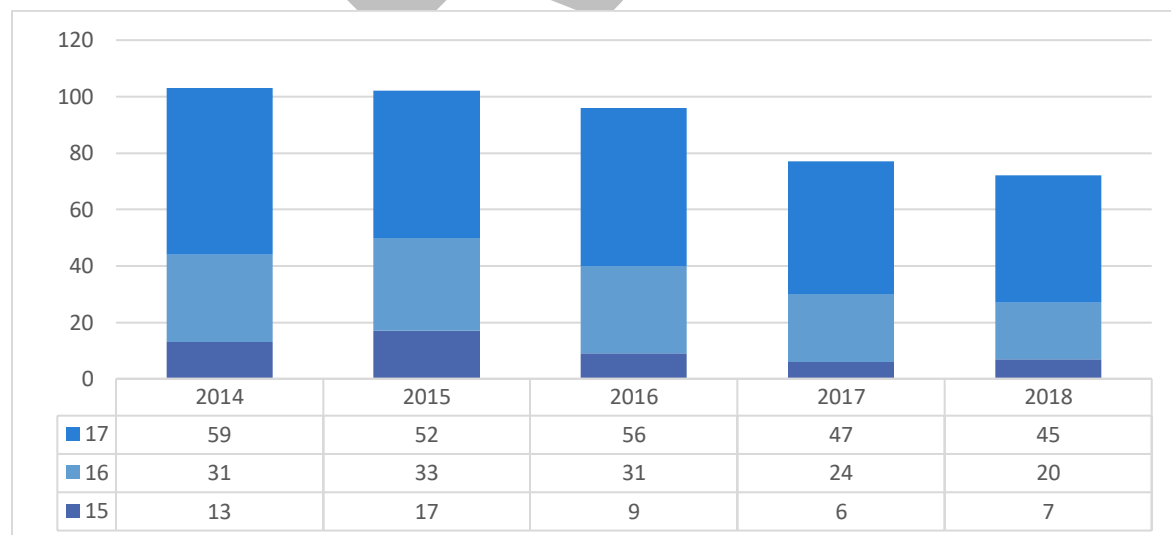
Unless otherwise noted, the following data were obtained by the Connecticut Department of Correction for youth under age 18 at time of admission to DOC custody.

A. Trends Over Time

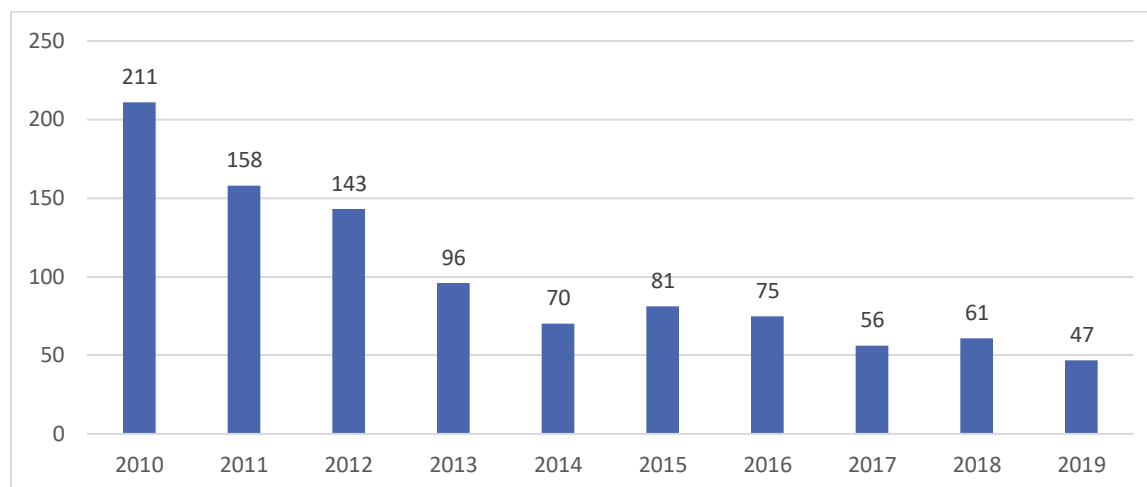
Admissions to DOC Custody by Legal Status, 2014-2018



Average Daily Population in DOC Custody, 2014-2018



MYI Youth Population on July 1, 2010-2019



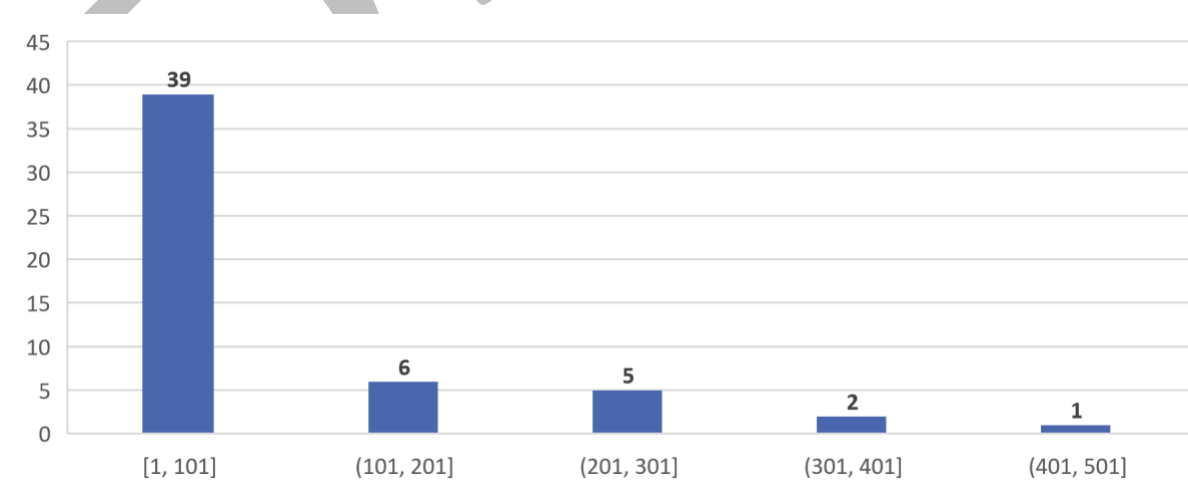
B. 2018 Population Profile

In 2018, there were 110 admissions to youth under 18 to DOC custody, 99 admissions of unsentenced youth and 11 admissions of sentenced youth.

Unsentenced Youth

In 2018, there were 53 admissions of youth under the age of 18 who were discharged pre-trial. These youth had an average length of stay of **81 days**, with a median length of stay of **21 days**. Note, these data exclude youth who ended up sentenced before age 18.

Length of Stay of Youth Discharged Unsentenced under Age 18 in Days

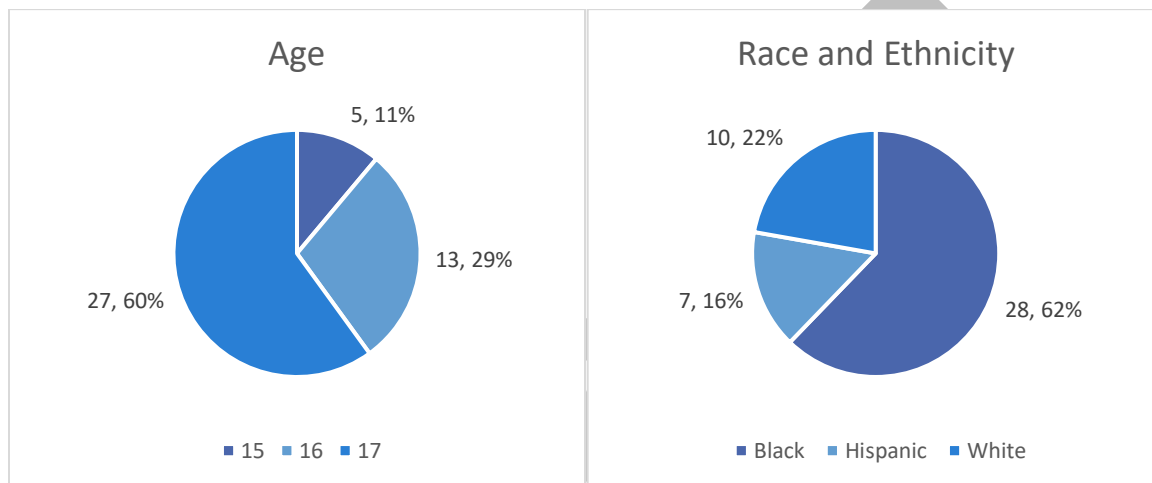


Sentenced Youth

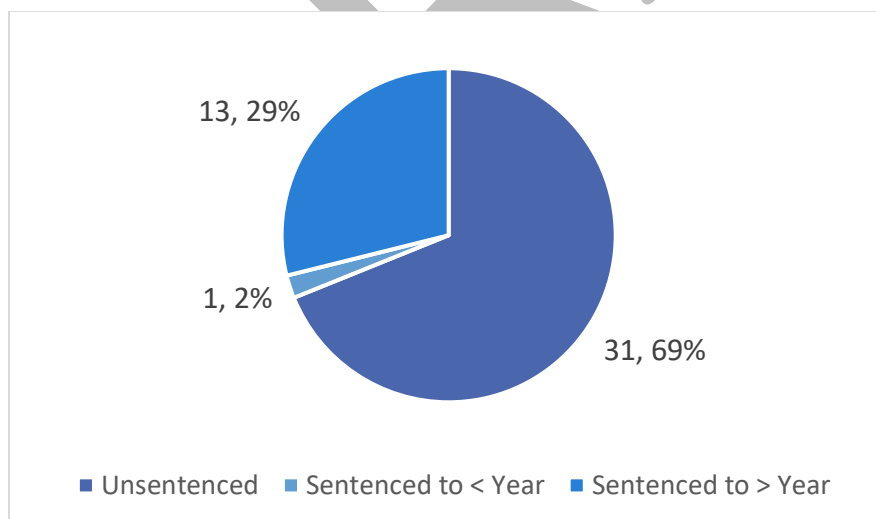
In 2018, sentenced youth discharged under age 18 had an average length of stay of 194 days, with a median length of stay of 90 days. Note: This time includes time spent pre-trial.

C. Snapshot Data from MYI – September 2019

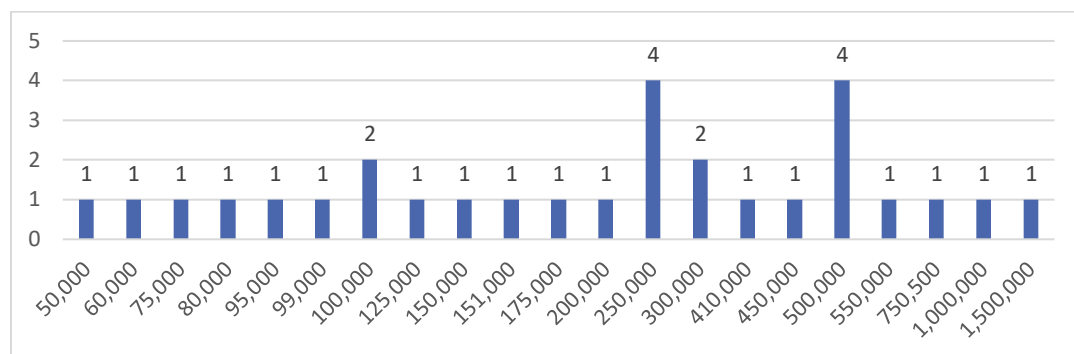
Demographics



Legal Status



Bond Amounts for Unsenteded Youth



Offense List

Offense	Number of Youth in Custody
Youthful Offender	18
Robbery, First Degree BF	4
Assault, First Degree BF	3
Criminal Attempt	3
Conspiracy	2
Manslaughter, First Degree BF	2
Murder AF	2
Assault, Second Degree DF	1
Criminal Liability for Another Person	1
Home Invasion AF	1
Injury or Risk of Injury to Minor F	1
Kidnapping, First degree AF	1
Kidnapping, Second Degree BF	1
Larceny, First Degree BF	1
Larceny, Second Degree CF	1
Larceny, Third Degree DF	1
Robbery, Second Degree CF	1
Sexual Assault, First Degree F	1

Sentenced Youth, Offense, Age at Sentencing, and Sentence Length (Years)

Offense	Age	Sentence Length
Criminal Liability for Another Person	17	10.17
Manslaughter, First Degree BF	17	5.00
Kidnapping, First degree AF	17	5.00
Larceny, Third Degree DF	17	4.00
Robbery, Second Degree CF	17	3.00
Criminal Attempt	17	2.50
Youthful Offender	17	2.50
Conspiracy	17	2.00
Assault, Second Degree DF	17	2.00
Youthful Offender	15	2.00
Youthful Offender	16	2.00
Larceny, Second Degree CF	17	2.00
Youthful Offender	16	1.50
Youthful Offender	17	0.33

D. Service and Treatment Needs of Youth in DOC Custody

[Fill in with data compiled by OCA.]

Summary of “Second Look” Provisions for Youth Sentenced in Adult Court

Oregon

In July 2019, Oregon passed legislation to roll back transfer and sentencing laws that were implemented in 1995 under Measure 11, a ballot measure based on now-debunked theory of juvenile super predators. The new legislation, Senate Bill 1008, returns jurisdiction for all charges to the youth justice system. In order to move a youth’s case to the adult court system, prosecutors must request a waiver hearing before a judge who decides whether the case should be transferred to adult court. The bill also prohibits incarcerating anyone under 18 years of age in a facility of the adult Department of Corrections.

Senate Bill 1008 creates a “Second Look” process under O.R.S. Section 420A.203 that allows judges to determine if further incarceration is appropriate for youth who are convicted in adult court and sentenced to more than 24 months incarceration. The Oregon Youth Authority currently houses almost all youth sentenced as adults in youth facilities until age 25. Before the passage of Senate Bill 1008, youth sentenced by the adult court system were automatically transferred to the Oregon Department of Corrections to serve the remainder of their sentence in adult prison on their 25th birthday. The Second Look process now requires the court to conduct a hearing both before transferring a youth to adult prison at age 25 and when youth sentenced as an adult has served one-half of their sentence. During a Second Look hearing, a judge can decide to transfer the youth to community-based supervision (defined as conditional release) if he or she determines that the youth: (1) has been rehabilitated and reformed; (2) is not a threat to the safety of the victim, the victim’s family, or the community; and (3) will comply with the conditions of release.

Reference Materials

1. Text of Senate Bill 1008, <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB1008/Enrolled>.
2. ACLU of Oregon, Youth Justice Policy Brief for the 2019 Legislature to Support SB 1008 (April 2019), https://aclu-or.org/sites/default/files/youth_justice_aclu_v4_public.pdf.
3. Multnomah County, “Multnomah County celebrates SB 1008, a milestone in juvenile justice reform,” (August 16, 2019), <https://multco.us/multnomah-county/news/multnomah-county-celebrates-sb-1008-milestone-juvenile-justice-reform>

New Jersey

In 2015, New Jersey passed Senate Bill 2003, which created a presumption that youth waived to adult court serve their sentences in youth justice facilities until the age of 21. The bill also allows a youth to remain in custody of the Juvenile Justice Commission (JJC) beyond the age of 21 if it is in the best interest of the youth to remain there.

Reference Materials

1. Text of Senate Bill 2003: <https://legiscan.com/NJ/text/S2003/2014>.
2. Zoe Schein, New Jersey Bill to Reform Youth Transfer, Waiver and Confinement Policies, National Juvenile Justice Network (September 2015), <http://www.njjn.org/article/new-jersey-bill-to-reform-youth-transfer-waiver-and-confinement-policies>.

Organizational and Programmatic Alternatives

Option 1: Further Consolidation within the Judicial Branch

What would this involve?

This option would involve the Judicial Branch taking custody of the youth under age 18 currently housed at MYI and YCI (approximately 47 youth as of September 2019, 45 males and 2 females).

Pros and Cons of This Option

PROS	CONS
<ul style="list-style-type: none">• The Judicial Branch is already responsible for all youth in the juvenile justice system.• The facilities operated contracted by the Judicial Branch are designed to provide developmentally appropriate services and treatment to youth.• Declining admissions to secure detention and secure placement, as well as ongoing efforts to develop staff-secure programs and other alternatives for youth in the juvenile justice system, may free up capacity to house some or all of the youth population currently in DOC custody.• This option would be consistent with a growing national trend to house adult-charged and sentenced youth in juvenile justice facilities up to age 18 or above (see reference materials below). This includes a requirement that all adult-charged youth be housed in juvenile facilities except in very limited circumstances by January 2021 for states participating in the federal Juvenile Justice and Delinquency Prevention Act.	<ul style="list-style-type: none">• There are concerns about separation of powers with the Judicial Branch operating placement facilities. Connecticut is the only state where the Judicial Branch of government has this responsibility.• The Judicial Branch has limited bed space within its secure detention facilities, which were not designed for longer-term stays (e.g., limited outdoor space).• Opportunities to renovate or reconfigure Judicial's secure detention facilities are limited due to location and physical plants, although Hartford detention currently has one floor not being used at this time.• Secure bed space in the community has been slow to come online, so waitlists for existing secure bed space could be exacerbated for youth in the juvenile justice system.• The Judicial Branch is relatively new to the role of operating and contracting for placement facilities, which could make an additional transition challenging.

Reference Materials

1. Judicial Branch September 19, 2019 JJPOC Meeting [PowerPoint](#) and [Video of Presentation](#)
2. Campaign for Youth Justice, [Removing Youth from Adult Jails: A 50-State Scan of Pretrial Detention Laws for Youth](#) (June 2019)
3. Campaign for Youth Justice, [If Not the Adult System, Then Where? Alternatives to Adult Incarceration for Youth Certified as Adults](#) (April 2019)

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Option 2: Creation of a Youth Division within the Department of Correction

What would this involve?

This option would involve creating a youth division within the Department of Corrections to manage youth and young adults in DOC custody. The intent of the division would be to allow DOC leadership to develop and implement different policies, programs, training, and staffing arrangements, with the goal of providing a more developmentally appropriate environment for youth charged and sentenced as adults.

Pros and Cons of This Option

PROS	CONS
<ul style="list-style-type: none">• DOC has been making efforts to improve conditions and implement policy and practice changes in response to the OCA report.• DOC has new leadership that has a clear interest in finding ways of working with youth and young adults in agency custody in more developmentally appropriate ways within the framework of an adult corrections agency.• DOC does offer vocational and technical educational opportunities within its facilities, although these opportunities are generally not available to youth under age 18 because the focus for those youth is earning a high school diploma.• As an executive branch agency, DOC would be subject to oversight of progress toward reforms by the General Assembly.• A Youth Division could serve to benefit young adults and could potentially be expanded to older youth in DOC custody.	<ul style="list-style-type: none">• The OCA report outlined practices that are at odds with effective work with youth and that will take significant time and effort to remedy (e.g., solitary confinement, use of chemical agents).• The mission and structure of an adult department of correction does not easily lend itself to a shift to working with youth in rehabilitative and developmentally appropriate way (e.g., lack of staff training on working with youth). For example, collective bargaining agreements may limit the ability to implement different policies, training, and staffing requirements.• Nationally, the trend has been to move away from housing of youth within an adult corrections agencies for the reasons listed above, with state juvenile justice agencies assuming responsibility for youth charged and sentenced as adults (as noted above, adult-charged youth must be housed in juvenile facilities except in limited circumstances by January 2021 for states participating in the federal Juvenile Justice and Delinquency Prevention Act).

Reference Materials

1. The Maine Department of Corrections (MDOC) operates a Division of Juvenile Services, with an Associate Commissioner who oversees the division. MDOC operates juvenile community corrections and the Long Creek Youth Development Center, which is the state's secure facility for detention and placement.¹ MDOC also holds adult-charged and sentenced youth up to the age of 18. **NB:** A Task Force in Maine is currently meeting to consider alternatives to the use of Long Creek, as well as potentially moving responsibility for youth out of the Department of Corrections. For more information, see www.mainejtaskforce.org. This is in part due to a [report that CCLP issued](#) regarding conditions of confinement at Long Creek following the 2016 suicide of a young person there, as well as the declining number of youth in DOC custody.
 - a. MDOC Division of Juvenile Services website:
<https://www.maine.gov/corrections/juvenile/index.htm>
 - b. MDOC Data Trends:
[https://www.dropbox.com/s/hxk9t0a17fw09et/MDOC Juvenile%20Overview June%202019%20Meeting%20%281%29.pdf?dl=0](https://www.dropbox.com/s/hxk9t0a17fw09et/MDOC%20Juvenile%20Overview%20June%202019%20Meeting%20%281%29.pdf?dl=0)
 - c. MDOC Budget (Juvenile Division components appear on pages 57-59):
<https://www.dropbox.com/s/hdx6vbh9kqghisy/Maine%202018%20Annual%20Agency%20Reports%20%28DOC%20ONLY%20-%20pgs%2057-59%29.pdf?dl=0>

¹ MDOC also has the ability to place youth at another agency facility in the northern part of the state, Mountain View, for a short period of secure detention prior to transport to Long Creek in Portland.

Option 3: Creation of an Executive Branch Agency to Manage a Continuum of Placements for All Youth under Age 18

What would this involve?

This option would involve creating a new Executive Branch youth authority, which would have responsibility for managing placements for youth under the age of 18 charged and sentenced as adults, as well as other youth in the juvenile justice system. This is the approach taken by almost all other states with respect to juvenile justice services, with the creation of an independent, standalone youth justice agency [being the most common arrangement among states](#).

Pros and Cons of This Option

PROS	CONS
<ul style="list-style-type: none">• This is the approach taken by almost all other states with respect to juvenile justice services, which now includes adult-charged and sentenced youth in a growing numbers of states.• A single executive branch entity would have an explicit focus on providing developmentally appropriate services and supports to youth, regardless of legal status, that have the best chance of achieving long-term behavior change and reducing recidivism. The entity could help ensure that quality and consistency of services would be standardized across placements.• An executive branch agency would avoid concerns about separation of powers and would likely afford additional flexibility with procurements and adjustments of capacity and needs over time.• Youth authorities in certain states have achieved significant reduction in recidivism rates by being able to manage a robust continuum of care (see reference materials below).	<ul style="list-style-type: none">• This entity does not currently exist within the State of Connecticut, and work would have to be undertaken to plan for the creation of such an entity and the transition of responsibilities from DOC and the Judicial Branch.• An analysis would need to be undertaken to determine how such a transition could occur in a fiscally responsible way.• The state recently underwent a significant transition with the consolidation of juvenile justice services within the Judicial Branch, which could make an additional significant transition a challenge. Additionally, there are concerns that work that has been undertaken by the Judicial Branch to secure developmentally appropriate services and supports could be lost if such a transition occurred.

Reference Materials

1. The Oregon Youth Authority is a state-level executive-branch agency whose mission is to “protect[] the public and reduce[] crime by holding youth accountable and providing opportunities for reformation in safe environments.” OYA is responsible for youth age 12 to 24 who commit crimes before the age of 18. OYA houses youth charged and sentenced as adults, including a sizeable population of 18 to 24-year-olds charged with violent felony and other serious offenses.
 - a. OYA website: <https://www.oregon.gov/oia/pages/index.aspx>
 - b. OYA “At A Glance” Fact Sheet providing an overview of the agency: <https://www.dropbox.com/s/gqitdb8xzb4ek68/OYA%20At%20a%20Glance.pdf?dl=0>
 - c. OYA Quick Facts (January 2019) providing statistical information about the youth population served and recidivism rates: <https://www.dropbox.com/s/hfdtb95mjvgyv43/OYA%20QuickFacts-Jan2019.pdf?dl=0>
 - d. OYA Detailed Budget Information, 2019-2021: <https://www.dropbox.com/s/0lw4j5wdqx4w64i/OYA%20Detailed%20Budget%202019-2021.pdf?dl=0>
2. The Massachusetts Department of Youth Services is a state-level executive branch agency whose mission is to “enhance community safety by improving the life outcomes for youth in [its] care and custody.” DYS holds adult charged and sentenced youth as “courtesy holds” for the adult system to provide separation from adults in jail/prison until age 18.
 - a. DYS website: <https://www.mass.gov/orgs/departments-of-youth-services>
 - b. Most recent DYS annual report, including statistical information about the youth population served and recidivism rates: <https://www.dropbox.com/s/3zeswk0vq29s2iw/MA%20DYS%202017%20Annual%20Report.docx?dl=0>
 - c. DYS FY 2018 budget: <https://www.dropbox.com/s/3zeswk0vq29s2iw/MA%20DYS%202017%20Annual%20Report.docx?dl=0>
3. October 17, 2019, JJPOC presentation from Dr. Peter Leone regarding optimal arrangements for the provision of educational services in out-of-home placements: [Forthcoming]

Option 4: Co-located Operation of Placements for Youth between the Judicial Branch and the Department of Correction

What would this involve?

Under this proposed option, DOC and the Judicial Branch would identify a facility (e.g., CJTS) and co-locate operations to house young people in the youth justice system and adult-charged and sentenced youth. This could be done for a period of time while Judicial builds out capacity for secure and non-secure care in the community.

Pros and Cons of This Option

PROS	CONS
<ul style="list-style-type: none">• One goal would be to create efficiencies between Judicial and DOC with respect to services for youth in placement by making those resources available to both DOC and Judicial (e.g., educational services, vocational and technical educational opportunities).• The Judicial Branch and DOC have a good working relationship.• This option could help address immediate needs and concerns that some have about the experience of youth at MYI and in long-term stays in Judicial's detention facilities, which were not designed for long-term placement or treatment.• Some work had been done by DCF to explore modifications to the physical plant at CJTS to make the facility more home-like.	<ul style="list-style-type: none">• There is no other known state that operates a facility or complex with this kind of arrangement, which means there are no comparisons to look to regarding how to accomplish this, concerns or recommendations regarding implementation, or outcomes.• Although Connecticut is currently opting out of the JJDPA, this could raise significant sight and sound separation concerns if Connecticut rejoined the act.• CJTS was intentionally closed by stakeholders for a variety of reasons (e.g., cost of operations, concerns about conditions), and some are concerned that this would harm Connecticut's reputation and progress in youth justice reform and set it at odds with national trends away from operating large youth facilities.• Concerns exist that this option would lessen motivation to develop community capacity for smaller residential programs.

Reference Materials

1. Photos and Videos from September 2019 Walk-Through of CJTS:
<https://photos.google.com/share/AF1QipOoXnL6MKnr5jPvzAtLFtERxb8XVqO8DTf3mhwPhgGpjkZXeJbNXNQPTvKAJVn0MA?key=M1hiYjNwQ1BDZFR4RUo0RVhrbUo0Z29HWE9kS3JB>
2. OCA 2016 Report on Conditions at CJTS:
https://www.ct.gov/oca/lib/oca/oca_investigative_cjts_pueblo_report_july_22_2015.pdf
3. Materials from Consultant Review of Potential Renovations at CJTS: (Awaiting from DCF)

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