



**Juvenile Justice Policy and Oversight Committee**

**Proposed 2019 Recommendations  
For Discussion and Adoption**

**February 6, 2019**

**I. 2019 JJPOC RECOMMENDATIONS IN BRIEF**

<p><b>EXECUTIVE WORKGROUP RECOMMENDATION</b></p>	<p>It is recommended and adopted that JJPOC propose legislation:</p> <ul style="list-style-type: none"> <li>A. To raise the age of juvenile jurisdiction from 17 to 18 by January 1, 2021.</li> <li>B. To have the JJPOC monitor the implementation of this change in juvenile jurisdiction, in the event it is enacted into law;</li> <li>C. To have JJPOC share relevant findings resulting from this oversight with the committees of cognizance of the General Assembly; and that,</li> <li>D. By July 1, 2023, the JJPOC should prepare a process evaluation on the implementation of this change and share such evaluation with the committees of cognizance of the General Assembly.</li> </ul>
<p><b>INCARCERATION WORK GROUP RECOMMENDATION 1</b></p>	<p>It is recommended and adopted that JJPOC:</p> <ul style="list-style-type: none"> <li>A. No youth under the age of 18, even those who have their cases transferred to the adult court, should be housed in a facility run by the Department of Corrections either pre- or post- adjudications.</li> <li>B. Will conduct a review of how other states house the 15 to 18 year old youth whose cases are processed in the adult court system. This review should address both the pre-adjudication and post adjudication housing matters and should include an examination of organizational and programmatic alternatives.</li> <li>C. Will conduct a study on other states' laws regarding the transfer of juvenile cases to adult court and the outcomes associated with those laws, including their impact on public safety and their effectiveness in changing behavior.</li> <li>D. Will ensure that such review and study are completed by January 2020 and that such study includes a plan for implementation of any recommended changes, including cost options where appropriate, by July 1, 2021.</li> </ul>
<p><b>INCARCERATION WORK GROUP RECOMMENDATION 2</b></p> <p>Submitted in accordance with the findings and</p>	<p>It is recommended that JJPOC:</p> <ul style="list-style-type: none"> <li>A. The Department of Correction and the Judicial Branch/CSSD should implement the following best practices in juvenile detention centers and correctional facilities, where youth, 17 and under are housed:</li> </ul>

recommendations in the Office of the Child Advocate Report, *"Incarcerated/Detained Youth-an Examination of Conditions of Confinement"*.

**1. To address suicidal and self-harming behaviors of youth in confinement:**

- a) Conduct suicide screening on a routine basis for all confined youth. Any risk or instances of suicidal behavior should trigger a comprehensive case review with participation from clinical staff and facility operations.
- b) Prohibit closed-door cell confinements for juveniles who present with imminent risk of suicide.

**2. To address the negative impacts of solitary confinement:**

- a) The JJPOC should conduct a review of the definitions of administrative segregation, solitary confinement, seclusion, and isolation utilized or recommended by organizations, associations and other entities involved with the issue of detained youth, including but not limited to the Department of Justice, the Council of Juvenile Correctional Administrators, the National Commission on Correctional Health Care, the American Correctional Association and the American Psychiatric Association, as well as best practice recommendations regarding the maximum number of hours and days for each definition.
- b) Issue a report by **May 1, 2019** that summarizes the review and provide recommended definitions that include the maximum number of hours and days a youth may be held in administrative segregation, solitary confinement, seclusion and isolation.

**3. To address the harmful effects of using of chemical agents (pepper spray) and prone restraints:**

- a) Prohibit the use of chemical agents (pepper spray) on youth in juvenile detention and DOC facilities.
- b) Limit the use of prone restraints on youth in juvenile detention and DOC facilities.
- c) Implement policies, in accordance with best practices, regarding the use of force and use of punitive and restrictive measures for youth, regardless of the correctional setting.

	<p><b>4. To address programming and services for youth in custody:</b></p> <p>a) Implement a process by which all behavior intervention plans for youth whose behavior interferes with the safety of others and limits youth's participation in rehabilitation activities are developed with the youth.</p> <p>b) Provide trauma-responsive rehabilitative, pro-social, and clinical programming embedded into youth's daily schedule adequately, 7-days per week.</p> <p>c) Are resourced to ensure provision of a 7-day per week intensive pro-social, rehabilitative and clinical programming.</p> <p>d) Provide developmentally healthy and appropriate activities and recreation for youth and family members during visitation to strengthen family bonds and minimize the trauma of separation.</p> <p>e) Permit contact visit with youth unless a timely and specific assessment determines that the provision of a contact visit creates a risk of imminent risk and harm to the youth or others.</p> <p>f) Implement strategies to support therapeutic family engagement as either part of a treatment model, where applicable, or part of a discharge planning process.</p> <p>g) DOC will comply with the Public Law 108-79- Prison Rape Elimination Act standards of staffing ratios in juvenile facilities.</p>
<p><b>INCARCERATION WORK GROUP RECOMMENDATION 3</b></p> <p>Submitted in accordance with the findings and recommendations in the Office of the Child Advocate Report, <i>"Incarcerated/Detained"</i></p>	<p>It is recommended that JJPOC propose legislation to enhance the protection of juveniles against potential abuse or neglect in custodial settings, as follows:</p> <p>A. Amend the mandated reporter statute as necessary to ensure that all staff who work with children in confinement, including contracted staff and ombudsmen/women be mandated reporters of suspected abuse and neglect.</p>

<p><i>Youth-an Examination of Conditions of Confinement”.</i></p>	<p>B. Require that all facilities for incarcerated youth maintain an independent ombudsman/woman to meet with the youth, tour the facility, and address concerns.</p>
<p><b>INCARCERATION WORK GROUP RECOMMENDATION 4</b></p> <p>Submitted in accordance with the findings and recommendations in the Office of the Child Advocate Report, <i>“Incarcerated/Detained Youth-an Examination of Conditions of Confinement”.</i></p>	<p>It is recommended that the DOC and Judicial Branch/CSSD create policy to enhance the protection of juveniles against potential abuse or neglect in custodial settings, as follows:</p> <p>A. Facilities will have clear process for reporting suspicious adult behavior, and an effective complaint system including definitions, administrative consultation protocols, investigations and criminal referral processes, parental notification requirements, administrative resolutions steps and immunity and retaliation considerations.</p> <p>B. To support a safe environment for children and staff and enhance quality assurance activities, require that all facilities for incarcerated youth/children have policies on the use of video cameras and the review of video footage and policies regarding the use of technology, electronic communication, social medial, and smart phones by staff.</p>
<p><b>INCARCERATION WORK GROUP RECOMMENDATION 5</b></p> <p>Submitted in accordance with the findings and recommendations in the Office of the Child Advocate Report, <i>“Incarcerated/Detained Youth-an Examination of Conditions of Confinement”.</i></p>	<p>It is recommended that the DOC and Judicial Branch/CSSD provide all facility staff with trainings in evidence based practices in the following areas:</p> <p>A. Identifying risk factors for suicide among the juvenile population to ensure that vulnerable youth are identified, supported and monitored, including information regarding the risk to youth created by transitions.</p> <p>B. Creating a trauma-informed care environment</p> <p>C. Cultural responsiveness, Race discrimination, and Implicit bias</p> <p>D. Sexual abuse prevention</p> <p>E. Effective youth and family partnership and engagement strategies</p>

<p><b>CROSS AGENCY DATA SHARING WORKGROUP RECOMMENDATION 1</b></p>	<p>It is recommended that:</p> <p>A. The DOC and the Judicial Branch/CSSD collaborate with the JJPOC Cross Agency Data Sharing workgroup to develop a standardized policy, practice, and implementation of a data collection and tracking system for:</p> <ul style="list-style-type: none"> <li>• Suicidal and self-harming behavior of youth in confinement.</li> <li>• Use of force and physical isolation on children.</li> <li>• Education, mental health and other as determined by the Cross Agency Data Sharing workgroup</li> </ul> <p>B. That DOC and Judicial Branch/CSSD will submit an annual report to the JJPOC on:</p> <ul style="list-style-type: none"> <li>• Suicidal and self-harming behavior of youth in confinement.</li> <li>• Use of force and physical isolation on children.</li> <li>• Education, mental health and other as determined by the Cross Agency Data Sharing workgroup</li> </ul>
<p><b>DIVERSION RECOMMENDATION 1</b></p>	<p>It is recommended that:</p> <p>A. Removal of the remaining categories of Family With Service Needs (FWSN) referrals from Juvenile Court jurisdiction occur according to the following timeline:</p> <ol style="list-style-type: none"> <li>a) Effective July 1, 2019: <i>Has engaged in Indecent and Immoral Conduct</i>: 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 or youth.</li> <li>b) Effective January 1, 2020: <i>Runaway without just cause</i>.</li> <li>c) Effective July 1, 2020: <i>Beyond Control</i> of his or her parents or guardians.</li> </ol>
<p><b>DIVERSION RECOMMENDATION 2</b></p>	<p>It is recommended that:</p> <p>The legislature establish line items within the general fund to provide recurring funding for:</p> <p>A. The implementation of the Community-Based Diversion System beginning July 1, 2019, codified under P.A. 18-31 – “An Act</p>

	<p><i>Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee and Concerning Transfer of Juvenile Services from the Department of Children and Families to the Court Support Services Division of the Judicial Branch</i></p> <p>B. The operation of the State's Juvenile Review Board System beginning July 1, 2019. Priority for funding will be given to Juvenile Review Boards in communities with the highest per capita rates of juvenile arrest, and who have also demonstrated implementation of the Juvenile Review Board Protocols and Procedures Guidelines.</p> <p>C. The implementation of the School-Based Diversion Framework over a two-year period beginning July 1, 2020, codified under P.A. 18-31 – <i>“An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee and Concerning Transfer of Juvenile Services from the Department of Children and Families to the Court Support Services Division of the Judicial Branch”</i></p>
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