



## JJPOC Meeting Minutes

February 18, 2021

2:00PM

Zoom Conference Call

### Attendance:

Rep. Toni Walker

Kosta Diamantis

Gary Winfield

Christina Quaranta

Erica Bromley

Macklin Roman

Janeen Reid

Vernon Beaulieu

Sarah Eagan

Joshua Bernegger

Desi Nesmith

Hector Glynn

Martha Stone

Brenetta Henry

Robyn Porter

Judge Patrick Carroll

Judge Bernadette Conway

Derrick Gordon

Natasha Pierre

Stacy Schulman

John Holland

Angel Quiros

Gary Roberge

Tais Ericson

Christine Rappillo

Susan Hamilton

Richard Colangelo

Vanessa Dorantes

Gwendolyn Samuel

Lisa Sementilli

Amy Marrassino

### TYJI Staff:

Erika Nowakowski

William Carbone

Donna Pfrommer

Kelly Orts

Danielle Cooper

Susan Cusano

Representative Toni Walker called the meeting to order and welcomed everyone. She also announced the new co-Chair of the Diversion Workgroup, Dr. Linda Dixon, from the Department of Children and Families.

Rep. Walker asked for a motion to accept the minutes from the January 21, 2021 meeting. The motion to accept the minutes was moved, seconded, and passed unanimously.

### Overview of Meeting

The agenda for today's meeting included discussion and voting on the recommendations made by the Education Committee, the Executive Committee, and the IOYouth Task Force.

## JJPOC 2021 Workgroup Recommendations

### Education Committee Workgroup:

The Education Committee Recommendations were as follows:

## **Recommendation # 5: School Suspensions**

JJPOC recommends:

A. An amendment to Public Act 15-96 sec. 10-233a-i “ban suspension and expulsion of children in preschool through grade two,” to expand to twelfth grade with a phased-in plan consisting of:

1. Preschool through second grade with an implementation plan to be delivered by January 2022 with an effective date of July 2022

B. The amendment shall include elimination of “violent or sexual nature” and replace with only those exceptions required by federal law to be effective by July 2022.

C. No later than 2023, the implementation committee shall identify the phased-in plan and effective date for the following grades:

1. Third grade through eighth grade
2. Ninth grade through twelfth grade

D. An implementation committee shall be established and chaired by Steven Hernandez, Executive Director, Commission on Women, Children, Senior, Equity & Opportunity and Chair of the Social Emotional Collaborative and Fran Rabinowitz, Executive Director CT Association of Public-School Superintendents and work collaboratively with CT School Discipline Collaborative and the JJPOC Education Committee Chairs. The implementation committee will include representation of the

- Connecticut State Department of Education,
- Representation from the State Board of Education Accountability and Support Committee,
- Head of Superintendents Association, Parent Representation or Chair from Special Education Advisory Committee,
- Representative from Disability Rights Connecticut,
- Special Education Equity for Kids in CT (SEEK-CT),
- Children Health Development Institute, Center for Children’s Advocacy, and Connecticut Youth Services Bureau Association.

### **Recommendation # 5: School Suspensions (continued)**

E. The implementation committee shall provide an update on the progress of the development of the plan to the JJPOC and Education and Children’s Committees by January 2022 with an effective date of July 2022. The implementation plan shall identify:

1. Phase-in plan as noted in A-C of the recommendation
2. Funding and timeline
3. Include district by district data needs, data perimeters, and reports.
4. Training for school personnel
5. Implementation of alternative in-school disciplinary practice, strategies and intervention to support students and school staff
6. Should include exploration of models for therapeutic settings in schools where students who cannot remain in the classroom can be placed, as well as the procedures for doing so.
7. Family engagement
8. Screening for health and mental health concerns; and
9. Strengthening connections to community-based services and supports including trauma-informed mental health interventions

F. SDE shall be adequately funded and resourced to accommodate for its expansion as outlined in the implementation plan. The implementation plan should include exploration of models for therapeutic settings in schools where students who cannot remain in the classroom can be placed, as well as the procedures for doing s

Stephen Hernandez and Katherine Meyer to present the background information of this recommendation. Connecticut is known for being progressive in school discipline; Connecticut was the first state, in 2015, to pass legislation that was meant to ban suspensions and expulsions of children and preschool through grade two. Overall suspensions have decreased in Connecticut, but disparity still remains. Children of color, specifically boys of color, are more likely to receive more significant sanctions for showing the same conduct or behavior as their white counterparts. Dr. Walter Gilliam did a study that used eye tracking software which showed that teachers keep their eyes on young boys of color most often because they were looking for what they perceived as negative behavior and therefore more likely to catch them exhibiting it.

Rep. Robyn Porter, co-chair of the Education Committee, explained how this recommendation was developed with a variety of stakeholders. The State Department of Education acknowledged the work his colleagues have put in for this recommendation as well as the overall engagement with the Connecticut School Discipline Collaborative.

There was further discussion and clarification on the prior provision for offenses of sexual or violent nature and the federal requirement. It was clarified that “violent and sexual nature” pertains to nothing

else in the entire section of the statute. When the ban was written to go into effect for preschool through grade two, they added in that you can only suspend the students for a conduct that endangers persons.

There were questions on threat to school and student safety, the federal mandatory expulsion requirement, and accountability. Some young kids may be exhibiting really challenging behavior and the goal of this is to try to meet the needs of students and not by excluding them. The purpose of this legislation is to develop an approach with the right tools and resources to make the best choices to meet the student's needs. This needs to be a school and family community approach.

The members of the JJPOC then voted on the proposed recommendation. A total of 29 votes were passed 24 voting "yes", 1 voting "no", and 4 members "abstain." The recommendation passed.

Amy Vatner, co-chair of the Education Committee, presented the next recommendation for consideration by the JJPOC. After some feedback provided by the State Department of Education, the recommendation was revised to the following:

#### **Recommendation # 4: 911/211 Data Collection**

A. A pilot program be designed to review 911 calls from the 10 Opportunity School Districts (Hartford, Bridgeport, Waterbury, New Haven, East Haven, Derby, Norwich, New London, East Hartford, New Britain) to their local 911 jurisdictions in an effort to better understand for districts' utilization of police. Data should include: de-identified data related to the demographics of child, including age, gender, race, and disability classification, similar to the existing documentation for other emergency interventions, such as restraint and seclusion, already codified in statute and regulation and the circumstances leading to less restrictive alternatives considered (if available). JJPOC and TYJI should partner to create an MOU with each 911 jurisdiction to receive, review, and analyze these data.

B. JJPOC should collaborate with CHDI to review similar data collected on 211 calls made by public schools.

C. All data analyses should be submitted for review by the JJPOC Education Committee on a bi-annual basis.

The members of the JJPOC then voted on the proposed recommendation. A total of 29 votes were passed 27 voting "yes", 2 voting "no", and 0 members "abstain." The recommendation passed.

The Department of Children and Families presented their recommended revisions to the 2020 Education Recommendations. They also explained that the Implementation Team has already been formed and will continue to meet until September to develop a draft implementation plan for these recommendations moving forward. The proposed revisions to the 2020 Education Recommendations passed.

### **Executive Committee Workgroup:**

Rep. Toni Walker explained that the purpose of this recommendation is to begin to collect research and data on 18-21 year olds.

#### **Recommendation #1: Expansion of Purview**

A. An amendment to PA14-217 sec. 79 to expand the purview of the Juvenile Justice Policy and Oversight Committee to the under 21 year old population for purposes of research and data collection to inform and evaluate justice system policies.

The members of the JJPOC then voted on the proposed recommendation. A total of 28 votes were passed 20 voting “yes”, 7 voting “no”, and 1 member “abstain.” The recommendation passed.

### **IOYouth Workgroup:**

Susan Hamilton, Tasha Hunt, and Rep. Anthony Nolan presented the following recommendation on alternatives to arrest for consideration by the JJPOC:

#### **Recommendation #1: Alternatives to Arrest**

- TIER 1 - Beginning January 1, 2022, the following behaviors would be decriminalized and removed from juvenile court jurisdiction while still allowing law enforcement, schools and other systems to refer youth to a Youth Service Bureau (YSB) or other local agency in lieu of an arrest:
  - (1) Simple Trespass
  - (2) Creating a Public Disturbance
  - (3) Possession of cannabis-type substance (under .5 ounce only)
  - (4) Use/Possession/Delivery of drug paraphernalia (related to under .5 ounce of cannabis-type substance)

### **Recommendation #1: Alternatives to Arrest (continued)**

- TIER 2 – A multi-agency and cross-branch implementation committee would be created in legislation to develop a plan, with youth, family, law enforcement, and stakeholder input, for mandatory pre-arrest diversion to a YSB or other local agency for first-or second-time low-level misdemeanor offenses, including:
  - (1) Breach of Peace 2nd
  - (2) Disorderly Conduct
  - (3) Larceny 5th and 6th
  - (4) Possession of cannabis-type substance (more than .5 ounce)
  - (5) Use/Possession/Delivery of drug paraphernalia (more than .5 ounce)
  
- The committee would be required to submit an implementation plan to the General Assembly by January 1, 2022 for mandatory pre-arrest diversion of first or second-time Tier 2 offenses, which plan would include:
  - (1) Capacity of YSBs and other local agencies to provide services for this population
  - (2) Accountability mechanisms
  - (3) Process for victim input and involvement
  - (4) Data collection for tracking YSB referrals
  - (5) Communication and outreach to stakeholders on accessing local services
  - (6) Proposed effective date for full Tier 2 implementation
  
- The implementation plan shall be approved and adequately funded and resourced to accommodate these changes.

It was noted that there was not unanimous consensus within the group about how to tier these recommendations. They highlighted the areas where there seemed to be agreement among the group and the areas where the JJPOC may need to provide some feedback to determine how to proceed. Many aspects of the recommendations are already happening in practice by way of diverting some of these infractions and low-level misdemeanor offenses directly to the JRB's. If they are not directly referred to the JRB's and referred to court, many of those are still being handled in our current structure in a non-judicial fashion. They are geared towards looking at being able to provide the same level of access without an arrest or court involvement. This recommendation is not a brand new initiative but a new way of providing access to the service and also trying to standardize it and provide a framework so that they can provide the intervention in a way that will not require an initial arrest and reduce the disparity shown in the data.

Tier two is establishing that they would make available a mandate that diversion occur prearrest for the first and second low level misdemeanor offense. What happens with those first and second arrests is that

the YSB or some other local agency would provide the intervention and determine what needs to happen, the option for diversion would be mandated. After the third and fourth arrest, is when the referring agency or law enforcement agency determines if those referrals will go back to YSB or some other diversion option, or directly to court. The offenses under tier two will still be considered delinquency offenses.

There was further discussion and clarification on the decriminalization of marijuana, referrals, and repercussions. There was discussion around this recommendation leading increased familial issues and risk of injury charge to a parent. Any corresponding DCF issues will be separate but from a criminal standpoint whatever behavior the parent is engaging in falls under the definition of risk of injury to a minor and would be enforceable in that fashion. OPM expressed that they are not in favor of this recommendation.

The Victim Advocate expressed that she is not in favor of this recommendation and brought up the issue of extending the process for crime victims. They go through one process with the RGB's or the YSB's and then they might have to go through a court process. Also, it seems to be limiting the existing rights they already have in juvenile court and requires crime victims to enter a contract, which they do not have to do right now.

Chief Bernegger stated that the idea of decriminalizing any offense because of a certain age group worries him; this will only lead the youth into more violations. Also, saying it is not a crime but asking police to be involved in this issue, including referral's, because it is not a crime, does not fall under their authority because they are not being taken into custody or investigated.

The State Attorney's Office asked if the group considered the possibility of enhancing or making a statutory mandate that all juveniles charged with a low-level crime be directed to attend a diversionary program such as JRB or YSB equivalent program. One concern is that even though the JRB's are good, some individuals do not cooperate with the JRB process. If this happens, there will be no recourse in this situation. There are some individuals with serious mental health or substance use issues not going to school and if you cannot tell them that they must go to the JRB or there will be a possibility of court, they still may not go and get the service they need. The Council for State Governments clarified the goal of this recommendation is to get the kids access to services earlier that they do not need to be arrested to have access to these services.

CTJJA expressed support toward this recommendation needing to get to the root issues of youth behavior. Dr. Derrick Gordon also agreed that is this legislation is to promote the kind of help and support that aids in the growth and development of youth who may engage in maladaptive behavior. It is important to remember the recommendation was intentionally broken into two tiers. Tier one includes behaviors that are in essence infractions that are already being served the juvenile review boards in the U.S. service bureaus and other community organizations very successfully. The goal is to prevent the behavior and the young person from having to escalate deeper into the system, tier two offenses. If the intervention is not effective, that behavior is then able to be referred to court if it becomes necessary. For

accountability purposes, they are referring kids back into their communities to receive services. The tier one offenses give us the opportunity to ensure that kids have equal accesses but, also don't have collateral damage in bringing a low-risk youth into the court system.

The focus of the recommendation is not about the non-judicial process but the benefits of diversion and what could have happened up front in the community to address the behaviors and preventing it from escalating to the point of them coming into the system. When the law enforcement agency comes into contact for the third time, they have to make a decision if they are still going to use diversion options available or are, they going to send them to court. Tier one offenses will not come into the court. Low risk kids will grow out of these behaviors; high risk kids is where the services and supervision should be prioritized. Certain parts of Connecticut will be more likely to be sent to a JRB compared to other kids from other neighborhoods. The purpose of this is to ensure that all kids get the same access to diversions. DCF also highlighted the issue of equity and that not all communities are created equally, and that all youth have the same type of services to respond to their needs.

The members of the JJPOC then voted on the proposed recommendation. A total of 25 votes were passed 15 voting "yes", 8 voting "no", and 2 members "abstain." The recommendation passed.

Executive Director Gary Roberge presented the following recommendation for pre-trial youth currently housed in DOC:

### **Recommendation #2: Pre-Trial Youth**

A. Not later than January 1, 2022, the Judicial Branch shall develop and submit in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters related to the judiciary and to the Juvenile Justice Planning and Oversight Committee established pursuant to section 46b-121n of the general statutes, an implementation plan to securely house in the custody of the Judicial Branch any person under eighteen years of age who is arrested and detained prior to sentencing or disposition on or after January 1, 2023. The plan shall include cost estimates and recommendations for legislation as may be necessary or appropriate for implementation.

This is the recommended language that would require the branch to develop a rapport in the next year that they would submit to the General Assembly and the JJPOC at the beginning of 2022 for consideration of operationalizing consolidating the services under kids under 18 into the judicial branch into the Hartford and Bridgeport residential pre-trial facilities.



The members of the JJPOC then voted on the proposed recommendation. A total of 24 votes were passed 24 voting “yes”, 0 voting “no”, and 0 members “abstain.” The recommendation passed.

**Next Meeting:** March 18<sup>th</sup>, 2021 2:00-3:30pm

Meeting adjourned at 4:00pm

\*Audio and/or video of the meeting can be found on:  
<https://ct-n.com/Default.asp>.