



General Assembly

January Session, 2023

Raised Bill No. 6888

LCO No. 5762



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING JUVENILE JUSTICE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-121s of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) There shall be a community-based diversion system developed
4 pursuant to subsection (k) of section 46b-121n, as amended by this act.

5 (b) In lieu of arresting a child for a violation of section 53a-110a, 53a-
6 125b, 53a-181a or 53a-182, law enforcement agencies shall refer such
7 child to a juvenile review board in accordance with such community-
8 based diversion system. The juvenile review board shall require the
9 child to receive prevention, intervention and treatment services
10 provided by a youth service bureau or community-based service
11 providers. If such child does not successfully fulfill the requirements
12 imposed by the youth service bureau or community-based service
13 provider, the juvenile review board may refer the child to the court for
14 delinquency proceedings.

15 Sec. 2. (NEW) (*Effective from passage*) (a) An implementation team

16 shall develop a plan for mandatory prearrest diversion of low-risk
17 children. The implementation team shall include (1) the Commissioners
18 of Children and Families, Education and Correction, or their designees,
19 (2) the executive director of the Court Support Services Division of the
20 Judicial Branch, or the executive director's designee, and (3)
21 representatives of local and regional boards of education, appointed by
22 the chairpersons of the Juvenile Justice and Policy Committee,
23 established pursuant to section 46b-121n of the general statutes, as
24 amended by this act. The implementation team shall consider
25 stakeholder input, including from children, families and law
26 enforcement officials in the development of such plan.

27 (b) Not later than July 1, 2024, the implementation team shall develop
28 a plan for automatic prearrest diversion of children to the community-
29 based diversion system or other community-based agencies in lieu of
30 arrest for first or second offenses, such as breach of peace in the second
31 degree under section 53a-181 of the general statutes and larceny in the
32 fifth degree under section 53a-125a of the general statutes. The
33 implementation team shall consider and include data when developing
34 such plan concerning prearrest diversionary measures implemented
35 pursuant to section 46b-121s of the general statutes, as amended by this
36 act. Additionally, the plan shall consider: (1) The capacity of youth
37 service bureaus and other local agencies who will provide services to
38 children diverted under the plan; (2) accountability mechanisms to
39 measure success of services provided; (3) processes for victim input and
40 involvement; (4) data collection for the purpose of tracking referrals of
41 diverted children to youth service bureaus; (5) communication and
42 outreach strategies to stakeholders for the purpose of accessing local
43 services; (6) dates for full implementation of the plan; and (7) any other
44 considerations the committee finds necessary for a successful
45 implementation of the plan.

46 (c) Not later than July 1, 2024, the implementation team shall submit
47 the plan for automatic prearrest diversion of children and report on its
48 findings and recommendations pursuant to subsection (b) of this
49 section, to the Juvenile Justice Policy and Oversight Committee. The

50 implementation team shall terminate on the date that it submits such
51 report or January 1, 2025, whichever is later.

52 Sec. 3. Section 46b-121n of the general statutes is repealed and the
53 following is substituted in lieu thereof (*Effective from passage*):

54 (a) There is established a Juvenile Justice Policy and Oversight
55 Committee. The committee shall evaluate policies related to the juvenile
56 justice system and the expansion of juvenile jurisdiction to include
57 persons sixteen and seventeen years of age.

58 (b) The committee shall consist of the following members:

59 (1) Two members of the General Assembly, one of whom shall be
60 appointed by the speaker of the House of Representatives, and one of
61 whom shall be appointed by the president pro tempore of the Senate;

62 (2) The chairpersons and ranking members of the joint standing
63 committees of the General Assembly having cognizance of matters
64 relating to the judiciary, children, human services and appropriations,
65 or their designees;

66 (3) The Chief Court Administrator, or the Chief Court
67 Administrator's designee;

68 (4) A judge of the superior court for juvenile matters, appointed by
69 the Chief Justice;

70 (5) The executive director of the Court Support Services Division of
71 the Judicial Department, or the executive director's designee;

72 (6) The executive director of the Superior Court Operations Division,
73 or the executive director's designee;

74 (7) The Chief Public Defender, or the Chief Public Defender's
75 designee;

76 (8) The Chief State's Attorney, or the Chief State's Attorney's
77 designee;

78 (9) The Commissioner of Children and Families, or the
79 commissioner's designee;

80 (10) The Commissioner of Correction, or the commissioner's
81 designee;

82 (11) The Commissioner of Education, or the commissioner's designee;

83 (12) The Commissioner of Mental Health and Addiction Services, or
84 the commissioner's designee;

85 (13) The Labor Commissioner, or the commissioner's designee;

86 (14) The Commissioner of Social Services, or the commissioner's
87 designee;

88 (15) The Commissioner of Public Health, or the commissioner's
89 designee;

90 (16) The president of the Connecticut Police Chiefs Association, or the
91 president's designee;

92 (17) The chief of police of a municipality with a population in excess
93 of one hundred thousand, appointed by the president of the Connecticut
94 Police Chiefs Association;

95 (18) Two child or youth advocates, one of whom shall be appointed
96 by one chairperson of the Juvenile Justice Policy and Oversight
97 Committee, and one of whom shall be appointed by the other
98 chairperson of the Juvenile Justice Policy and Oversight Committee;

99 (19) Two parents or parent advocates, at least one of whom is the
100 parent of a child who has been involved with the juvenile justice system,
101 one of whom shall be appointed by the minority leader of the House of
102 Representatives, and one of whom shall be appointed by the minority
103 leader of the Senate;

104 (20) The Victim Advocate, or the Victim Advocate's designee;

105 (21) The Child Advocate, or the Child Advocate's designee; [and]

106 (22) The Secretary of the Office of Policy and Management, or the
107 secretary's designee;

108 (23) Two children, youths or young adults under twenty-six years of
109 age with lived experience in the juvenile justice system, nominated by
110 the community expertise subcommittee, one of whom shall be
111 appointed by each chairperson of this committee; and

112 (24) One community member who may be a family member of a child
113 who has been involved with the juvenile justice system or a credible
114 messenger with lived experience in the juvenile justice system and who
115 works with youth in the juvenile justice system, nominated by the
116 community expertise subcommittee and appointed chairpersons of this
117 committee.

118 (c) Any vacancy shall be filled by the appointing authority.

119 (d) The Secretary of the Office of Policy and Management, or the
120 secretary's designee, and a member of the General Assembly selected
121 jointly by the speaker of the House of Representatives and the president
122 pro tempore of the Senate from among the members serving pursuant
123 to subdivision (1) or (2) of subsection (b) of this section shall be
124 cochairpersons of the committee. Such cochairpersons shall schedule
125 the first meeting of the committee, which shall be held not later than
126 sixty days after June 13, 2014.

127 (e) Members of the committee shall serve without compensation,
128 except for necessary expenses incurred in the performance of their
129 duties.

130 (f) Not later than January 1, 2015, the committee shall report, in
131 accordance with section 11-4a, to the joint standing committees of the
132 General Assembly having cognizance of matters relating to
133 appropriations, the judiciary, human services and children, and the
134 Secretary of the Office of Policy and Management, regarding the

135 following:

136 (1) Any statutory changes concerning the juvenile justice system that
137 the committee recommends to (A) improve public safety; (B) promote
138 the best interests of children and youths who are under the supervision,
139 care or custody of the Commissioner of Children and Families or the
140 Court Support Services Division of the Judicial Department; (C)
141 improve transparency and accountability with respect to state-funded
142 services for children and youths in the juvenile justice system with an
143 emphasis on goals identified by the committee for community-based
144 programs and facility-based interventions; and (D) promote the efficient
145 sharing of information between the Department of Children and
146 Families and the Judicial Department to ensure the regular collection
147 and reporting of recidivism data and promote public welfare and public
148 safety outcomes related to the juvenile justice system;

149 (2) A definition of "recidivism" that the committee recommends to be
150 used by state agencies with responsibilities with respect to the juvenile
151 justice system, and recommendations to reduce recidivism for children
152 and youths in the juvenile justice system;

153 (3) Short-term goals to be met within six months, medium-term goals
154 to be met within twelve months and long-term goals to be met within
155 eighteen months, for the Juvenile Justice Policy and Oversight
156 Committee and state agencies with responsibilities with respect to the
157 juvenile justice system to meet, after considering existing relevant
158 reports related to the juvenile justice system and any related state
159 strategic plan;

160 (4) The impact of legislation that expanded the jurisdiction of the
161 juvenile court to include persons sixteen and seventeen years of age, as
162 measured by the following:

163 (A) Any change in the average age of children and youths involved
164 in the juvenile justice system;

165 (B) The types of services used by designated age groups and the

166 outcomes of those services;

167 (C) The types of delinquent acts or criminal offenses that children and
168 youths have been charged with since the enactment and
169 implementation of such legislation; and

170 (D) The gaps in services identified by the committee with respect to
171 children and youths involved in the juvenile justice system, including,
172 but not limited to, children and youths who have attained the age of
173 eighteen after being involved in the juvenile justice system, and
174 recommendations to address such gaps in services; and

175 (5) Strengths and barriers identified by the committee that support or
176 impede the educational needs of children and youths in the juvenile
177 justice system, with specific recommendations for reforms.

178 (g) Not later than July 1, 2015, the committee shall report, in
179 accordance with section 11-4a, to the joint standing committees of the
180 General Assembly having cognizance of matters relating to
181 appropriations, the judiciary, human services and children, and the
182 Secretary of the Office of Policy and Management, regarding the
183 following:

184 (1) The quality and accessibility of diversionary programs available
185 to children and youths in this state, including juvenile review boards
186 and services for a child or youth who is a member of a family with
187 service needs;

188 (2) An assessment of the system of community-based services for
189 children and youths who are under the supervision, care or custody of
190 the Commissioner of Children and Families or the Court Support
191 Services Division of the Judicial Department;

192 (3) An assessment of the congregate care settings that are operated
193 privately or by the state and have housed children and youths involved
194 in the juvenile justice system in the past twelve months;

195 (4) An examination of how the state Department of Education and

196 local boards of education, the Department of Children and Families, the
197 Department of Mental Health and Addiction Services, the Court
198 Support Services Division of the Judicial Department, and other
199 appropriate agencies can work collaboratively through school-based
200 efforts and other processes to reduce the number of children and youths
201 who enter the juvenile justice system;

202 (5) An examination of practices and procedures that result in
203 disproportionate minority contact, as defined in section 4-68y, within
204 the juvenile justice system;

205 (6) A plan to provide that all facilities and programs that are part of
206 the juvenile justice system and are operated privately or by the state
207 provide results-based accountability;

208 (7) An assessment of the number of children and youths who, after
209 being under the supervision of the Department of Children and
210 Families, are convicted as delinquent; and

211 (8) An assessment of the overlap between the juvenile justice system
212 and the mental health care system for children.

213 (h) The committee shall complete its duties under this section after
214 consultation with one or more organizations that focus on relevant
215 issues regarding children and youths, such as the University of New
216 Haven and any of the university's institutes. The committee may accept
217 administrative support and technical and research assistance from any
218 such organization. The committee shall work in collaboration with any
219 results first initiative implemented pursuant to section 2-111 or any
220 public or special act.

221 (i) The committee shall establish a time frame for review and
222 reporting regarding the responsibilities outlined in subdivision (5) of
223 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of
224 subsection (g) of this section. Each report submitted by the committee
225 shall include specific recommendations to improve outcomes and a
226 timeline by which specific tasks or outcomes must be achieved.

227 (j) The committee shall implement a strategic plan that integrates the
228 short-term, medium-term and long-term goals identified pursuant to
229 subdivision (3) of subsection (f) of this section. As part of the
230 implementation of such plan, the committee shall collaborate with any
231 state agency with responsibilities with respect to the juvenile justice
232 system, including, but not limited to, the Departments of Education,
233 Mental Health and Addiction Services, Correction and Children and
234 Families and the Labor Department and Judicial Department, and
235 municipal police departments. Not later than January 1, 2016, the
236 committee shall report such plan, in accordance with section 11-4a, to
237 the joint standing committees of the General Assembly having
238 cognizance of matters relating to appropriations, the judiciary, human
239 services and children, and the Secretary of the Office of Policy and
240 Management, regarding progress toward the full implementation of
241 such plan and any recommendations concerning the implementation of
242 such identified goals by any state agency with responsibilities with
243 respect to the juvenile justice system or municipal police departments.

244 (k) Not later than January 1, 2017, the committee shall submit a
245 report, in accordance with section 11-4a, to the joint standing
246 committees of the General Assembly having cognizance of matters
247 relating to appropriations, the judiciary, human services and children
248 and the Secretary of the Office of Policy and Management, regarding a
249 plan that includes cost options for the development of a community-
250 based diversion system. Such plan shall include recommendations to
251 address issues concerning mental health and juvenile justice. The plan
252 shall include recommendations regarding the following:

253 (1) Diversion of children who commit crimes, excluding serious
254 juvenile offenses, from the juvenile justice system;

255 (2) Identification of services that are evidence-based, trauma-
256 informed and culturally and linguistically appropriate;

257 (3) Expansion of the capacity of juvenile review boards to accept
258 referrals from municipal police departments and schools and

259 implement restorative practices;

260 (4) Expansion of the provision of prevention, intervention and
261 treatment services by youth service bureaus;

262 (5) Expansion of access to in-home and community-based services;

263 (6) Identification and expansion of services needed to support
264 children who are truant or exhibiting behaviors defiant of school rules
265 and enhance collaboration between school districts and community
266 providers in order to best serve such children;

267 (7) Expansion of the use of memoranda of understanding pursuant to
268 section 10-233m between local law enforcement agencies and local and
269 regional boards of education;

270 (8) Expansion of the use of memoranda of understanding between
271 local and regional boards of education and community providers for
272 provision of community-based services;

273 (9) Recommendations to ensure that children in the juvenile justice
274 system have access to a full range of community-based behavioral
275 health services;

276 (10) Reinvestment of cost savings associated with reduced
277 incarceration rates for children and increased accessibility to
278 community-based behavioral health services;

279 (11) Reimbursement policies that incentivize providers to deliver
280 evidence-based practices to children in the juvenile justice system;

281 (12) Recommendations to promote the use of common behavioral
282 health screening tools in schools and communities;

283 (13) Recommendations to ensure that secure facilities operated by the
284 Department of Children and Families or the Court Support Services
285 Division of the Judicial Department and private service providers
286 contracting with said department or division to screen children in such

287 facilities for behavioral health issues; and

288 (14) Expansion of service capacities informed by an examination of
289 grant funds and federal Medicaid reimbursement rates.

290 (l) The committee shall establish a data working group to develop a
291 plan for a data integration process to link data related to children across
292 executive branch agencies, through the Office of Policy and
293 Management's integrated data system, and the Judicial Department
294 through the Court Support Services Division, for purposes of evaluation
295 and assessment of programs, services and outcomes in the juvenile
296 justice system. Membership of the working group shall include, but not
297 be limited to, the Commissioners of Children and Families, Correction,
298 Education and Mental Health and Addiction Services, or their
299 designees; the Chief State's Attorney, or the Chief State's Attorney's
300 designee; the Chief Public Defender, or the Chief Public Defender's
301 designee; the Secretary of the Office of Policy and Management, or the
302 secretary's designee; and the Chief Court Administrator of the Judicial
303 Branch, or the Chief Court Administrator's designee. Such working
304 group shall include persons with expertise in data development and
305 research design. The plan shall include cost options and provisions to:

306 (1) Access relevant data on juvenile justice populations;

307 (2) Coordinate the handling of data and research requests;

308 (3) Link the data maintained by executive branch agencies and the
309 Judicial Department for the purposes of facilitating the sharing and
310 analysis of data;

311 (4) Establish provisions for protecting confidential information and
312 enforcing state and federal confidentiality protections and ensure
313 compliance with related state and federal laws and regulations;

314 (5) Develop specific recommendations for the committee on the use
315 of limited releases of client specific data sharing across systems,
316 including with the Office of Policy and Management, the Division of

317 Criminal Justice, the Departments of Children and Families, Education
318 and Mental Health and Addiction Services, the Judicial Department and
319 other agencies; and

320 (6) Develop a standard template for memoranda of understanding for
321 data-sharing between executive branch agencies, the Judicial
322 Department, and when necessary, researchers outside of state
323 government.

324 (m) (1) The committee shall periodically request, receive and review
325 information regarding conditions of confinement, including services
326 available, for persons under eighteen years of age detained at the John
327 R. Manson Youth Institution, Cheshire.

328 (2) Not later than October 1, 2018, the committee shall submit a
329 report, in accordance with section 11-4a, to the joint standing
330 committees of the General Assembly having cognizance of matters
331 relating to appropriations, the judiciary, human services and children
332 and the Secretary of the Office of Policy and Management on current
333 conditions of confinement, including services available, for persons
334 under eighteen years of age who are detained or incarcerated in
335 correctional facilities, juvenile secure facilities and other out-of-home
336 placements in the juvenile and criminal justice systems. The report shall
337 include, but need not be limited to, a description of any gaps in services
338 and the continued availability and utilization of mental health,
339 education, rehabilitative and family engagement services.

340 (n) Not later than January 1, 2020, the committee shall submit a
341 report, in accordance with section 11-4a, to the joint standing
342 committees of the General Assembly having cognizance of matters
343 relating to appropriations, the judiciary, human services and children
344 and the Secretary of the Office of Policy and Management regarding a
345 juvenile justice reinvestment plan. The report shall include a study and
346 make recommendations for the reinvestment of savings realized from
347 the decreased use of incarceration and congregate care towards strategic
348 investments in home-based, school-based and community-based

349 behavioral health services and supports for children diverted from, or
350 involved with, the juvenile justice system.

351 (o) Not later than January 1, 2019, and annually thereafter, the
352 Department of Correction and the Court Support Services Division of
353 the Judicial Branch shall report to the committee on compliance with the
354 provisions of section 46b-126a. Such reports shall present indicia of
355 compliance in both state facilities and those facilities managed by a
356 private provider under contract with the state, and shall include data on
357 all persons under eighteen years of age who have been removed or
358 excluded from educational settings as a result of alleged behavior
359 occurring in those educational settings.

360 (p) Not later than January 1, 2019, and annually thereafter, all state
361 agencies that detain or otherwise hold in custody a person under
362 eighteen years of age involved with the juvenile justice or criminal
363 justice system, or that contract for the housing of any person involved
364 with the juvenile justice or criminal justice system under eighteen years
365 of age, shall report to the committee on compliance with the provisions
366 of section 46b-121p. Such reports shall include indicia of compliance in
367 both direct-run and contract facilities, and shall include data on all
368 rearrests and uses of confinements and restraints for youth in justice
369 system custody, as defined in section 10-253.

370 (q) [Not later than July 1, 2018, the] The committee shall convene [a]
371 an education subcommittee to fulfill tasks, as directed by the committee,
372 consult in the development of a plan pursuant to section 5 of this act,
373 and develop a detailed plan concerning the overall coordination,
374 oversight, supervision, and direction of all vocational and academic
375 education services and programs for children in justice system custody,
376 and the provision of education-related transitional support services for
377 children returning to the community from justice system custody. The
378 subcommittee shall consist of:

379 (1) One person designated by the Commissioner of Education;

380 (2) One person designated by the executive director of the Court

381 Support Services Division of the Judicial Branch;

382 (3) One person designated by the Bridgeport School District;

383 (4) One person designated by the Hartford School District;

384 (5) One person designated by the Commissioner of Correction;

385 (6) One person who is an expert in state budgeting and who can assist
386 the subcommittee in obtaining data on relevant expenditures and
387 available resources, designated by the Secretary of the Office of Policy
388 and Management;

389 (7) Three persons, who are experts with significant career experience
390 in providing and coordinating education in justice-system settings and
391 who are not employees of the state of Connecticut, designated by the
392 chairpersons of the Juvenile Justice Oversight and Planning Committee;
393 and

394 (8) Two persons representing the interests of students and families,
395 one designated by the executive director of an organization in this state
396 with the mission of stopping the criminalization of this state's children
397 and one designated by the executive director of an organization in this
398 state that advocates for legal rights for the most vulnerable children in
399 this state.

400 (A) The plan developed pursuant to this subsection shall include, but
401 need not be limited to:

402 (i) Identification of a single state agency and designation of a program
403 manager within that agency who will be responsible for planning,
404 coordination, oversight, supervision, quality control, legal compliance
405 and allocation of relevant federal and state funds for children in justice
406 system custody;

407 (ii) A detailed description of how educational services will be
408 provided to children in justice system custody and how education-
409 related supports will be provided to children during transition out of

410 justice system custody, either directly by the single state agency
411 identified by the plan pursuant to clause (i) of this subparagraph or
412 through a state-wide contract with a single nonprofit provider;

413 (iii) An analysis of resources expended for educating children in
414 justice system custody and for supporting educational success during
415 transitions out of justice system custody, and recommendations for
416 consolidating and reallocating resources towards the oversight,
417 accountability, services and supports provided for in the plan pursuant
418 to this subsection;

419 (iv) Provisions for ensuring that a range of pathways to educational
420 and economic opportunity are available for children in justice system
421 custody, including at a minimum a traditional high school diploma
422 program, an accelerated credit recovery program, vocational training
423 programs and access to post-secondary educational options;

424 (v) Specifications for a state-wide accountability and quality control
425 system for schools that serve children in justice system custody. The
426 accountability and quality control system shall include, but need not be
427 limited to:

428 (I) A specialized school profile and performance report, to be
429 produced annually for each school that serves children in justice system
430 custody. The profiles and performance reports shall be consistent with
431 other accountability systems required by law and shall include criteria
432 and metrics tailored to measuring the quality of schools that serve
433 children in justice system custody. Such metrics shall include, but need
434 not be limited to: Student growth in reading and math; credit
435 accumulation; modified graduation rates and high school equivalent
436 passage rates; school attendance, defined as the percentage of children
437 who are actually physically present in classrooms for school and
438 educational programs; the percentage of students pursuing a high
439 school diploma, an industry-based certification, a recognized high
440 school diploma equivalent, credits for advanced courses and post-
441 secondary education programs; performance in educating children with

442 exceptionalities, including identification of special education needs, the
443 development of best-practices for individualized education programs
444 and the provision of services and supports mandated by individualized
445 education programs; student reenrollment in school or other
446 educational or vocational training programs after leaving justice system
447 custody; student success in post-release high school, post-secondary
448 education, or job-training programs; and compliance with the protocols
449 for support of educational transitions delineated in clause (vi) of this
450 subparagraph;

451 (II) Identifying achievement benchmarks for each measurement of
452 school quality;

453 (III) Written standards for educational quality for schools that serve
454 children in custody;

455 (IV) A program for quality control and evaluation of schools serving
456 children in custody. The program shall include, but need not be limited
457 to, in-person observation and monitoring of each school serving
458 children in justice system custody. The monitoring shall occur at least
459 annually, and shall be conducted by experts in special education and
460 education in justice-system settings;

461 (V) Provisions for ensuring that each school serving children in
462 justice system custody seeks and obtains external accreditation by a
463 recognized accrediting agency; and

464 (VI) A set of supports, interventions and remedies that shall be
465 implemented when a school serving children in justice system custody
466 falls consistently or significantly short of quality benchmarks;

467 (vi) Provisions for ensuring that the state-wide education system for
468 children in justice system custody includes:

469 (I) The engagement of one or more curriculum development
470 specialists to support learning in schools serving children in justice
471 system custody and to develop a flexible, high-interest, modular

472 curriculum that is aligned with state standards and adapted to the
473 context of educating children in justice system custody;

474 (II) The engagement of one or more professional development and
475 teacher training specialists to support teachers in schools that serve
476 children in justice system custody; and

477 (III) The engagement of professional reentry coordinators to support
478 educational success in children returning to the community from justice
479 system custody;

480 (vii) A protocol for educational support of children transitioning into,
481 and out of, justice system custody. The protocol shall include, but need
482 not be limited to:

483 (I) Team-based reentry planning for every child in justice system
484 custody;

485 (II) Clear and ambitious timelines for transfer of educational records
486 at intake and release from justice system custody; and

487 (III) Timelines for reenrollment and credit transfer;

488 (viii) Recommendations for any legislation that may be necessary or
489 appropriate to implement the provisions of the plan developed
490 pursuant to this subsection; and

491 (ix) A timeline for implementation of the plan developed pursuant to
492 this subsection.

493 (B) The plan developed pursuant to this subsection shall be submitted
494 on or before January 1, 2020, to the joint standing committee of the
495 General Assembly having cognizance of matters relating to education,
496 in accordance with the provisions of section 11-4a.

497 (C) For purposes of this subsection: "Justice system custody" means
498 justice system custody, as defined in section 10-253; "school" means any
499 program or institution, or any project or unit thereof, that provides any

500 academic or vocational education programming for any children in
501 justice system custody; and "child" means child, as defined in section 10-
502 253.

503 (r) The committee shall review methods other states employ to (1)
504 transfer juvenile cases to the regular criminal docket, and (2) detain
505 persons fifteen, sixteen and seventeen years of age whose cases are
506 transferred to the regular criminal docket. Such review shall consider
507 (A) the transfer of juvenile cases to the regular criminal docket and
508 outcomes associated with such transfers, including the impact on public
509 safety and the effectiveness in changing the behavior of juveniles, and
510 (B) preadjudication and postadjudication detention and include an
511 examination of organizational and programmatic alternatives. The
512 committee shall, in accordance with the provisions of section 11-4a, not
513 later than January 1, 2020, report such review including a plan for
514 implementation not later than July 1, 2021, of any recommended
515 changes, including cost options where appropriate to the committee of
516 the General Assembly having cognizance of matters relating to the
517 judiciary.

518 (s) The committee shall appoint persons to an incarceration
519 subcommittee for purposes that include developing plans pursuant to
520 sections 4 and 5 of this act, and other tasks, as directed by the committee.

521 (t) The committee shall appoint persons to a community expertise
522 subcommittee for purposes that include developing a plan pursuant to
523 section 5 of this act, and other tasks, as directed by the committee.

524 Sec. 4. *(Effective from passage)* (a) Not later than July 1, 2023, the
525 Department of Correction, in consultation with the incarceration
526 subcommittee, established pursuant to section 46b-121n of the general
527 statutes, as amended by this act, shall develop and submit the
528 commissary implementation plan described in subsection (b) of this
529 section, to the Juvenile Justice Policy and Oversight Committee,
530 established pursuant to said section 46b-121n.

531 (b) The plan developed in accordance with this section shall provide

532 for the following in relation to youths in Department of Correction
533 facilities: (1) An integrated positive behavior motivation system to
534 engage and reinforce positive youth behaviors and expectations that can
535 be used as payment for commissary goods in place of a monetary
536 system; (2) revised commissary policies and procedures to include the
537 development and implementation of positive behavior motivation
538 policies and procedures; (3) increased incentives to promote good health
539 and recognize a diverse range of ethnic groups, races, sexes and cultural
540 backgrounds; (4) (A) identification of youth within the institution that
541 do not have equitable access to commissary, including those who are
542 indigent, without family supports or with disabilities that contribute to
543 their lack of access to commissary, and (B) strategies to implement
544 equitable access to commissary; (5) provision of menstrual products in
545 a manner pursuant to sections 18-69e and 18-99 of the general statutes;
546 (6) transition of saved commissary allocations, including how associated
547 saved funds can be transitioned and accessed when a youth is
548 transferred to an adult facility; (7) ongoing training and assistance, such
549 as those provided through the Capitol Region Education Council's
550 Positive Behavioral Intervention and Supports; (8) continuous quality
551 improvement system for ongoing implementation of the plan pursuant
552 to this subsection; and (9) biannual surveys or focus groups to obtain
553 feedback from youth in Department of Correction facilities on ways to
554 improve its system and concerning the implementation of such plan.

555 (c) The Department of Correction shall immediately implement
556 procedures for more equitable commissary options for youth described
557 in subdivision (4) of subsection (b) of this section and shall fully
558 implement the plan not later than November 1, 2023.

559 Sec. 5. (*Effective from passage*) (a) Not later than November 1, 2023, the
560 executive director of the Court Support Services Division of the Judicial
561 Branch, or the executive director's designee, and the Commissioners of
562 Children and Families, Education and Correction, or their designees,
563 shall, in consultation with the incarceration, community expertise and
564 education subcommittees of the Juvenile Justice Policy and Oversight
565 Committee, established pursuant to section 46b-121n of the general

566 statutes, as amended by this act, develop a reentry success plan for
567 youth released from the Department of Correction and facilities and
568 programs under the jurisdiction of the Judicial Department.

569 (b) (1) Such plan shall be for the purpose of successfully reintegrating
570 youth into their communities. In the development of such plan, the
571 executive director of the Court Support Services Division of the Judicial
572 Branch, or the executive director's designee, and the Commissioners of
573 Children and Families, Education and Correction, or their designees, in
574 consultation with the incarceration, community expertise and education
575 subcommittees of the Juvenile Justice Policy and Oversight Committee,
576 shall consider all aspects deemed necessary for successful
577 implementation of such plan, including, but not limited to: (A) Reentry
578 models and best practices around the country, including reentry hubs,
579 community-based enhanced reentry wraparound services and
580 transitional housing; and (B) expansion of community reentry
581 roundtables and welcome centers that focus on youth.

582 (2) Such plan shall incorporate restorative and transformative justice
583 principles, including, but not limited to, the (A) provision of
584 individualized academic support and the role of school districts in
585 ensuring the provision of academic, vocational and transition support
586 services; (B) connection of youth to vocational and workforce
587 opportunities; (C) connection of youth to developmentally appropriate
588 housing; (D) delivery of trauma-informed mental health and substance
589 use treatments; (E) development of restorative justice reentry circles; (F)
590 use of credible messengers as mentors or transition support providers;
591 and (G) role of reentry coordinators.

592 (3) Such plan shall include (A) a proposed quality assurance
593 framework, including the collection of appropriate data, promulgation
594 of a public dashboard and monitoring framework to ensure the
595 successful discharge and reentry of incarcerated youth, and (B)
596 information concerning federal and state funding sources in support of
597 the comprehensive reentry model and identification of priorities and
598 appropriate timelines for implementation.

599 (c) Not later than January 1, 2024, the executive director of the Court
600 Support Services Division of the Judicial Branch, or the executive
601 director's designee, and the Commissioners of Children and Families,
602 Education and Correction, or their designees, shall report the plan
603 developed pursuant to this section to the Juvenile Justice Policy and
604 Oversight Committee.

605 Sec. 6. Section 13 of public act 21-174 is repealed and the following is
606 substituted in lieu thereof (*Effective from passage*):

607 (a) The Judicial Branch shall develop an implementation plan to
608 securely house in the custody of the Judicial Branch any person under
609 eighteen years of age who is arrested and detained prior to sentencing
610 or disposition on or after January 1, 2023. The plan shall include cost
611 estimates and recommendations for legislation as may be necessary or
612 appropriate for implementation of such plan.

613 (b) Not later than January 1, 2022, the Judicial Branch shall submit the
614 implementation plan developed pursuant to subsection (a) of this
615 section, in accordance with the provisions of section 11-4a of the general
616 statutes, to the joint standing committee of the General Assembly
617 having cognizance of matters relating to the judiciary and to the Juvenile
618 Justice Planning and Oversight Committee established pursuant to
619 section 46b-121n of the general statutes, as amended by this act.

620 (c) Not later than July 1, 2023, the Judicial Branch shall begin a review
621 and update of the implementation plan developed pursuant to
622 subsection (a) of this section and include provisions for the full and final
623 transition of all children from the care and custody of the Department
624 of Correction and into the care and custody of the Judicial Branch. Such
625 updated plan shall include a phased-in timetable for full
626 implementation and estimated costs for each phase of such
627 implementation.

628 (d) Not later than December 15, 2023, the Judicial Branch shall submit
629 the implementation plan updated pursuant to subsection (c) of this
630 section and any recommendations for legislation, funding or policy

631 changes, in accordance with the provisions of section 11-4a of the
632 general statutes, to the joint standing committee of the General
633 Assembly having cognizance of matters relating to the judiciary and to
634 the Juvenile Justice Planning and Oversight Committee established
635 pursuant to section 46b-121n of the general statutes, as amended by this
636 act.

637 Sec. 7. Section 54-1l of the general statutes is repealed and the
638 following is substituted in lieu thereof (*Effective from passage*):

639 (a) This section and section 54-1m, as amended by this act, shall be
640 known as the "Alvin W. Penn Racial Profiling Prohibition Act".

641 (b) For the purposes of this section, "racial profiling" means the
642 detention, interdiction or other disparate treatment of an individual
643 [solely on the basis of the racial or ethnic status of such individual] by a
644 police officer on the basis, in whole or in part, of the perceived racial or
645 ethnic status of such individual, except when such status is used in
646 combination with other identifying factors in an effort to find and
647 apprehend a specific suspect whose racial or ethnic status is part of the
648 description of the suspect.

649 (c) No member of the Division of State Police within the Department
650 of Emergency Services and Public Protection, a municipal police
651 department or any other law enforcement agency shall engage in racial
652 profiling. [The detention of an individual based on any noncriminal
653 factor or combination of noncriminal factors is inconsistent with this
654 policy.

655 (d) The race or ethnicity of an individual shall not be the sole factor
656 in determining the existence of probable cause to place in custody or
657 arrest an individual or in constituting a reasonable and articulable
658 suspicion that an offense has been or is being committed so as to justify
659 the detention of an individual or the investigatory stop of a motor
660 vehicle.]

661 Sec. 8. Section 54-1m of the general statutes is repealed and the

662 following is substituted in lieu thereof (*Effective from passage*):

663 (a) Each municipal police department, the Department of Emergency
 664 Services and Public Protection and any other department with authority
 665 to conduct a traffic or pedestrian stop shall adopt a written policy that
 666 prohibits the stopping, detention, interdiction or search of any person
 667 when such action is [solely] motivated, in whole or in part, by
 668 considerations of race, color, ethnicity, age, gender or sexual orientation,
 669 [and such action would constitute a violation of the civil rights of the
 670 person] except when such consideration of race, color, ethnicity, age,
 671 gender or sexual orientation is used in combination with other
 672 identifying factors in an effort to find and apprehend a specific suspect
 673 whose race, color, ethnicity, age or gender is part of the description of
 674 the suspect. For the purposes of this section: (1) ["Department with
 675 authority to conduct a traffic stop"] "Department with authority to
 676 conduct a traffic or pedestrian stop" means any department that
 677 includes, or has oversight of, a police officer, and (2) "police officer"
 678 means a police officer within a municipal police department or the
 679 Department of Emergency Services and Public Protection or a person
 680 with the same authority pursuant to any provision of the general
 681 statutes to make arrests or issue citations for violation of any statute or
 682 regulation relating to motor vehicles and to enforce said statutes and
 683 regulations as policemen or state policemen have in their respective
 684 jurisdictions, including, but not limited to: (A) Special policemen or state
 685 policemen acting under the provisions of section 29-18, 17a-24 or 17a-
 686 465; (B) policemen acting under the provisions of section 29-19; (C) the
 687 Commissioner of Motor Vehicles, each deputy commissioner of the
 688 Department of Motor Vehicles and any salaried inspector of motor
 689 vehicles designated by the commissioner pursuant to section 14-8; (D)
 690 State Capitol Police officers acting under the provisions of section 2-1f;
 691 (E) special police forces acting under the provisions of section 10a-156b;
 692 (F) state policemen acting under the provisions of section 27-107; and
 693 (G) fire police officers acting under the provisions of section 7-313a.

694 (b) Not later than [July 1, 2013] October 1, 2023, the Office of Policy
 695 and Management, in consultation with the Racial Profiling Prohibition

696 Project Advisory Board established in section 54-1s, and the Criminal
697 Justice Information System Governing Board shall, within available
698 resources, develop and implement a standardized method:

699 (1) To be used by police officers of municipal police departments, the
700 Department of Emergency Services and Public Protection and any other
701 department with authority to conduct a traffic or pedestrian stop to
702 record traffic or pedestrian stop information unless the police officer is
703 required to leave the location of the stop prior to completing such form
704 in order to respond to an emergency or due to some other exigent
705 circumstance within the scope of such police officer's duties. The
706 standardized method and any form developed and implemented
707 pursuant to such standardized method shall allow the following
708 information to be recorded: (A) The date and time of the stop; (B) the
709 specific geographic location of the stop; (C) the unique identifying
710 number of the police officer making the stop, or the name and title of
711 the person making the stop if such person does not have a unique
712 identifying number; (D) the race, color, ethnicity, age and gender of the
713 operator of the motor vehicle [that] or pedestrian who is stopped,
714 provided the identification of such characteristics shall be based on the
715 observation and perception of the police officer responsible for
716 reporting the stop; (E) the nature of the alleged traffic violation or other
717 violation that caused the stop to be made and the statutory citation for
718 such violation; (F) the disposition of the stop including whether a
719 warning, citation or summons was issued, whether a search was
720 conducted, the authority for any search conducted, the result of any
721 search conducted, the statute or regulation citation for any warning,
722 citation or summons issued and whether a custodial arrest was made;
723 and (G) any other information deemed appropriate. The method shall
724 also provide for (i) notice to be given to the person stopped that if such
725 person believes that such person has been stopped, detained or
726 subjected to a search [solely because of] on the basis, in whole or in part,
727 of such person's race, color, ethnicity, age, gender, sexual orientation,
728 religion or membership in any other protected class, such person may
729 file a complaint with the appropriate law enforcement agency unless the

730 police officer was required to leave the location of the stop prior to
731 providing such notice in order to respond to an emergency or due to
732 some other exigent circumstance within the scope of such police officer's
733 duties, and (ii) instructions to be given to the person stopped on how to
734 file such complaint unless the police officer was required to leave the
735 location of the stop prior to providing such instructions in order to
736 respond to an emergency or due to some other exigent circumstance
737 within the scope of such police officer's duties;

738 (2) To be used to report complaints pursuant to this section by any
739 person who believes such person has been subjected to a [motor vehicle]
740 traffic or pedestrian stop by a police officer [solely] on the basis, in whole
741 or in part, of race, color, ethnicity, age, gender, sexual orientation or
742 religion; and

743 (3) To be used by each municipal police department, the Department
744 of Emergency Services and Public Protection and any other department
745 with authority to conduct a traffic or pedestrian stop to report data to
746 the Office of Policy and Management pursuant to subsection (h) of this
747 section.

748 (c) Not later than [July 1, 2013] October 1, 2023, the Office of Policy
749 and Management, in consultation with the Racial Profiling Prohibition
750 Project Advisory Board, shall develop and implement guidelines to be
751 used by each municipal police department, the Department of
752 Emergency Services and Public Protection and any other department
753 with authority to conduct a traffic or pedestrian stop in (1) training
754 police officers of such agency in the completion of the form developed
755 and implemented pursuant to subdivision (1) of subsection (b) of this
756 section, and (2) evaluating the information collected by police officers of
757 such municipal police department, the Department of Emergency
758 Services and Public Protection or other department with authority to
759 conduct a traffic or pedestrian stop pursuant to subsection (e) of this
760 section for use in the counseling and training of such police officers.

761 (d) (1) Prior to the date a standardized method and form have been

762 developed and implemented pursuant to subdivision (1) of subsection
763 (b) of this section, each municipal police department, the Department of
764 Emergency Services and Public Protection and any other department
765 with authority to conduct a traffic stop shall [, using the form developed
766 and promulgated pursuant to the provisions of subsection (h) in effect
767 on January 1, 2012, record and retain the following information: (A) The
768 number of persons stopped for traffic violations; (B) characteristics of
769 race, color, ethnicity, gender and age of such persons, provided the
770 identification of such characteristics shall be based on the observation
771 and perception of the police officer responsible for reporting the stop
772 and the information shall not be required to be provided by the person
773 stopped; (C) the nature of the alleged traffic violation that resulted in
774 the stop; (D) whether a warning or citation was issued, an arrest made
775 or a search conducted as a result of the stop; and (E) any additional
776 information that such municipal police department, the Department of
777 Emergency Services and Public Protection or any other department with
778 authority to conduct a traffic stop, as the case may be, deems
779 appropriate, provided such information shall not include any other
780 identifying information about any person stopped for a traffic violation
781 such as the person's operator's license number, name or address] report
782 the date in accordance with the standard method in effect on October 1,
783 2013.

784 (2) On and after the date a standardized method and form have been
785 developed and implemented pursuant to subdivision (1) of subsection
786 (b) of this section, each municipal police department, the Department of
787 Emergency Services and Public Protection and any other department
788 with authority to conduct a traffic or pedestrian stop shall record and
789 retain the information required to be recorded pursuant to such
790 standardized method and any additional information that such
791 municipal police department or the Department of Emergency Services
792 and Public Protection or other department with authority to conduct a
793 traffic or pedestrian stop, as the case may be, deems appropriate,
794 provided such information shall not include any other identifying
795 information about any person stopped for a traffic violation such as the

796 person's operator's license number, name or address.

797 (e) Each municipal police department, the Department of Emergency
798 Services and Public Protection and any other department with authority
799 to conduct a traffic or pedestrian stop shall provide to the Chief State's
800 Attorney and the Office of Policy and Management (1) a copy of each
801 complaint received pursuant to this section, and (2) written notification
802 of the review and disposition of such complaint. No copy of such
803 complaint shall include any other identifying information about the
804 complainant such as the complainant's operator's license number, name
805 or address.

806 (f) Any police officer who in good faith records traffic or pedestrian
807 stop information pursuant to the requirements of this section shall not
808 be held civilly liable for the act of recording such information unless the
809 officer's conduct was unreasonable or reckless.

810 (g) If a municipal police department, the Department of Emergency
811 Services and Public Protection or any other department with authority
812 to conduct a traffic or pedestrian stop fails to comply with the provisions
813 of this section, the Office of Policy and Management shall recommend
814 and the Secretary of the Office of Policy and Management may order an
815 appropriate penalty in the form of the withholding of state funds from
816 such municipal police department, the Department of Emergency
817 Services and Public Protection or such other department with authority
818 to conduct a traffic or pedestrian stop.

819 (h) [Not later than October 1, 2012, each municipal police department
820 and the Department of Emergency Services and Public Protection shall
821 provide to the Office of Policy and Management a summary report of
822 the information recorded pursuant to subsection (d) of this section.] On
823 and after October 1, [2013] 2023, each municipal police department, the
824 Department of Emergency Services and Public Protection and any other
825 department with authority to conduct a traffic or pedestrian stop shall
826 provide to the Office of Policy and Management a monthly report of the
827 information recorded pursuant to subsection (d) of this section for each

828 traffic or pedestrian stop conducted, in a format prescribed by the Office
829 of Policy and Management. On and after [January 1, 2015] October 1,
830 2023, such information shall be submitted in electronic form, and shall
831 be submitted in electronic form prior to said date to the extent
832 practicable.

833 (i) The Office of Policy and Management shall, within available
834 resources, review the prevalence and disposition of traffic and
835 pedestrian stops and complaints reported pursuant to this section,
836 including any traffic stops conducted on suspicion of a violation of
837 section 14-227a, 14-227g, 14-227m or 14-227n. Not later than July 1,
838 [2014] 2023, and annually thereafter, the office shall report the results of
839 any such review, including any recommendations, to the Governor, the
840 General Assembly and any other entity deemed appropriate. The Office
841 of Policy and Management shall make such report publicly available on
842 the office's Internet web site.

843 (j) Not later than July 1, 2024, the Office of Policy and Management,
844 in consultation with the Racial Profiling Prohibition Project Advisory
845 Board, shall adopt regulations in accordance with the provisions of
846 chapter 54 concerning the collection and reporting of data required
847 under subsection (b) of this section.

848 (k) For purposes of this section, "pedestrian stop" means a detention
849 of a pedestrian by a police officer, not associated with a call for service,
850 when the detention results in a citation, an arrest, a frisking or search of
851 the pedestrian's body or property, but does not include a detention for
852 routine searches performed at a point of entry or exit from a controlled
853 area or an arrest or search pursuant to a warrant issued by a judge of the
854 Superior Court.

855 Sec. 9. (Effective July 1, 2023) The sum of ____ dollars is appropriated
856 to the Office of Policy and Management to fund organizations for the
857 purpose of assisting members appointed to the Juvenile Justice Policy
858 and Oversight Committee pursuant to subdivisions (23) and (24) of
859 subsection (b) of section 46b-121n, as amended by this act, from the

860 General Fund, for the fiscal years ending June 30, 2024 and June 30, 2025,
 861 through stipends for childcare and transportation to such members
 862 during their time of and in association with their service on said
 863 committee.

864 Sec. 10. (*Effective July 1, 2023*) The sum of ____ dollars is appropriated
 865 to the Department of Correction from the General Fund, for the fiscal
 866 years ending June 30, 2024, and June 30, 2025, for the purpose of fully
 867 implementing the commissary implementation plan pursuant to section
 868 4 of this act.

| | | |
|---|---------------------|--------------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>July 1, 2023</i> | 46b-121s |
| Sec. 2 | <i>from passage</i> | New section |
| Sec. 3 | <i>from passage</i> | 46b-121n |
| Sec. 4 | <i>from passage</i> | New section |
| Sec. 5 | <i>from passage</i> | New section |
| Sec. 6 | <i>from passage</i> | PA 21-174, Sec. 13 |
| Sec. 7 | <i>from passage</i> | 54-1l |
| Sec. 8 | <i>from passage</i> | 54-1m |
| Sec. 9 | <i>July 1, 2023</i> | New section |
| Sec. 10 | <i>July 1, 2023</i> | New section |

Statement of Purpose:

To implement various juvenile justice policy changes, including (1) expansion of the community-based diversion system, (2) expansion of the use of automatic prearrest diversion of children, (3) expansion of the membership of the Juvenile Justice Policy and Oversight Committee to include new members and funding for stipends for such members for childcare and transportation costs incurred due to their service on the committee, (4) development, implementation and funding for a comprehensive commissary implementation plan, (5) development of a reentry success plan, (6) full implementation of the plan to transition any person under eighteen years of age from the care and custody of the Department of Correction to the care and custody of the Judicial Branch, and (7) expansion of the Alvin W. Penn Racial Profiling Prohibition Act to address pedestrian stops.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]